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[Reference: FAR Subpart 13. 3 and FAR Subpart 13.5]



### **Guiding Principles**

Simplified Acquisition Procedures (SAP) are streamlined techniques and guiding principles designed to reduce the administrative burden of awarding the lower dollar value procurements . They allow informal quoting and competition procedures, encourage accepting oral quotes vice written quotations, prefer comparing quoted prices vice conducting negotiations, and provide streamlined clauses to support the award document.

Simplified Acquisition Procedures

## 1. Introduction

Simplified Acquisition Procedures (SAP) are contracting methods designed to streamline the acquisition process and facilitate the procurement of goods and services. The results include less paperwork and lower costs for both the contractor and the Government.

<u>FAR 13.003(a)</u> states, "Agencies <u>shall</u> use simplified acquisition procedures to the maximum extent practicable for all purchases of supplies or services not exceeding the <u>simplified</u> <u>acquisition threshold</u> [SAT]." Acquisition reform, including [SAP], resulted from the following legislation:

- <u>Federal Acquisition Streamlining Act of 1994</u> (FASA) authorizes the use of SAP for purchases not exceeding the SAT
- <u>Clinger Cohen Act of 1996</u> changes the standard of competition from "full and open" to the "maximum extent practicable" for purchases under the SAT

### **Definition:**

SAP (commonly referred to as "Small Purchases") are the methods prescribed in <a href="Part 13">Part 13</a> of the Federal Acquisition Regulations (FAR) for the acquisition of supplies and services, including construction, research and development, and commercial items, the aggregate amount of which does not exceed the SAT. They are designed for relatively simple Government requirements, and their use is subject to designated dollar thresholds. (Examples of items commonly purchased using SAP includes office supplies, computer software, and grounds keeping services).

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#### **Thresholds:**

- SAP are those procedures prescribed in FAR Part 13 for making purchases of supplies and services the aggregate of which does not exceed the SAT (currently \$150,000<sup>1</sup> -- including purchases at or below the micro-purchase threshold<sup>2</sup>, full definition of SAT is FAR Part 2 Definitions),
- The procedures may also be used for commercial items acquisitions that do not exceed \$6.5 million (pursuant to the Clinger Cohen Act of 1996) (or \$12 million for acquisitions described in 13.500(e)) FAR Subpart 13.5, "Test Program for Certain Commercial Items<sup>3</sup>". This sub-part allows agencies to use any SAP in FAR Part 13 for commercial items subject to specific dollar limitations. It incorporates the requirements of FAR Part 12 (Acquisition of Commercial Items). This is very important since FAR Part 12 relaxes many of the requirements that must be followed for larger dollar buys when bought using the authority of other parts of the FAR.

<u>FAR 13.106</u> emphasizes the requirement to solicit requirements to the maximum extent practicable. <u>FAR 13.501</u> discusses the special documentation requirements should the contracting officer determine that the circumstances of the contract action deem only one source reasonably available.

## 2. <u>Utilization</u>

SAP should be used for all purchases of supplies or services not exceeding the SAT (including purchases below the micro-purchase threshold), unless requirements can be met by using required sources of supply under FAR Part 8. (e.g., Federal Prison Industries, Committee for Purchase from People Who are Blind or Severely Disabled, and Federal Supply Schedule contracts), or using existing indefinite delivery/indefinite quantity contracts, or other established contracts.

SAP emphasizes the "Keep it Simple" approach. <u>FAR Subpart 13.106-2(b)(3)</u> emphasizes the flexibility offered by utilizing SAP <u>by not requiring</u> formal procedures such as: formal evaluation plans, submission of detailed technical/management plans with quotes or offers, establishing a competitive range, conducting discussions, and scoring offers. Use of such formal procedures defeats the purpose of using SAP.

Use one of the below acquisition methods prescribed in FAR Part 13 as long as the amount of the acquisition does not exceed the SAT, except for those acquisitions that fall under commercial items test program.

• Government-Wide Purchase Card (FAR 13.301)

<sup>&</sup>lt;sup>1</sup> 41 USC 431a requires the FAR Council to periodically adjust some of the acquisition statutory thresholds every 5 years starting in October 2005.

<sup>&</sup>lt;sup>2</sup> See FAR part 2.101 for thresholds and limitations

<sup>&</sup>lt;sup>3</sup> This authority expires January 1, 2015 unless extended by Congress.

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- Purchase Orders (FAR 13.302)
- Blanket Purchase Agreements (FAR 13.303)
- Imprest Funds & Third Party Drafts (13.305)
- SF44, Purchase Order-Invoice-Voucher (FAR 13.306)

### 3. Advantages

Use of such procedures:

- reduces the administrative costs
- improves opportunities for small business and small disadvantaged business concerns to obtain a fair proportion of Government contracts
- promotes efficiency and economy in contracting
- avoids unnecessary burdens for agencies and contractors
- allows shorter solicitations and faster turnaround times
- saves money for Government and Contractor with less paperwork and personnel needed for the process
- acquisitions exceeding Micro-purchase threshold but not over SAT are set-aside for Small Businesses<sup>4</sup>

# 4. <u>Defining Requirements and Conducting Market Research</u>

FAR Subpart 11.002(a) states that requirements should be stated in terms of:

- Function to be performed;
- Performance required; or
- Essential physical characteristics--but not so excessive that they decrease competition
- In a manner that promotes competition by opening the purchase to a wider variety of vendors

## **Market Research Requirements**

- Why conduct market research?
  - o <u>FAR 7.102</u> states that agencies <u>shall</u> perform acquisition planning <u>and</u> conduct market research for <u>all acquisitions</u> in order to promote and provide for:
    - Acquisition of commercial items and <u>non-developmental items</u>.
    - Competition to the *maximum extent practicable*.

<sup>4</sup> FAR 19.502-2 requires that a contracting officer must have a reasonable expectation that the agency will receive offers from two or more small business concerns that are competitive in terms of price, quality, and delivery. If not, the acquisition may not be set aside for small business concerns and the file should be documented accordingly.

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- o Market research also provides information that may help:
  - Refine the requirements
  - Build source lists
  - Develop evaluation factors
  - Evaluate past performance of offerors

## Why should market research be conducted?

- To determine if products or services are available in the commercial marketplace that satisfy the requirements
- To determine if the requirement needs modification (if necessary and appropriate) so it can be satisfied with commercial or non-developmental items

#### • How is market research conducted?

 FAR 10.002(b)(2) provides some techniques for conducting market research to determine if commercial items or non-developmental items are available to meet the Government's needs or could be modified to meet the Government's needs.

### How much market research is enough?

- o It varies based on urgency, dollar value, complexity, and past experience with the requirement or similar requirements
- Conduct a cost-benefit evaluation, i.e. if the level of research conducted is more than the value of the item or service, you may be doing too much
- o If the contracting officer is familiar with an item and its marketplace, minimal research is necessary; however, be sure the knowledge is <u>current</u> and the contract file is documented accordingly
- Market research conducted <u>within 18 months before the award</u> of any task or delivery order if still current, accurate, and relevant may be used

#### • Common sources of market research:

- If you or other acquisition professionals have recently researched a similar or identical requirement, you may not need to conduct any additional market research. Even if you have not researched a similar or identical requirement, your files may contain supporting documentation such as:
  - Vendors, experts, or other contacts that may be able to provide you with current and relevant market information
  - Journals, catalogs, or websites where you found <u>useful</u> technical or product information
  - Notes about resources that were not useful.



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- Federal supply schedules
- Internet searches (<u>GSA Advantage</u>, <u>Thomas Register</u> of American manufacturers, <u>Switchboard internet directory</u>, etc.)
- Government Point of Entry (GPE) sources sought synopsis

## 5. Synopsis and Posting Requirements

#### Introduction

Agencies shall maximize the use of Electronic Commerce (EC) when practicable and cost-effective (see <u>Subpart 4.5</u> and <u>Section 30 of the OFPP Act: 41 U.S.C. 426</u>). (Note: EC means electronic techniques for accomplishing business transactions including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfer, and electronic data interchange.)

Government point of entry (GPE) means the single point where Government business opportunities greater than \$25,000, including synopsis of proposed contract actions, solicitations, and associated information can be accessed electronically by the public. The GPE is located at http://www.fedbizopps.gov.

## **Application**

EC may be used for soliciting all contract actions regardless of dollar value when <u>practicable</u> <u>and cost effective</u>.

- EC method may not be practicable or cost effective in the following situations (document the contract file accordingly):
  - o Purchases utilizing the Government-Wide Commercial Purchase Card
  - o History and market research shows EC was not effective:
    - Insufficient competition obtained
    - Better value received from local suppliers
  - Oral solicitation is more efficient, the requirement does not exceed the SAT, and notice is not required under <u>FAR 5.101</u>.
- If the EC method is not practicable, then Oral or Paper methods are allowable.
  - o Oral Solicitations shall be used for the maximum extent practicable provided that
    - The acquisition does not exceed the simplified acquisition threshold;
    - Oral solicitation is more efficient than soliciting through available electronic commerce alternatives; and
    - Notice is not required under FAR 5.101.

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Note: An oral solicitation may not be practicable for contract actions exceeding \$30,000 unless covered by an exception in 5.202 (d) *Written solicitations*.

- Additional Conditions of Oral Solicitations:
  - If a synopsis required by FAR 5.101 and an exception under FAR 5.202 is not applicable, solicit at least three sources to promote competition to the maximum extent practicable
  - Request quotations/offers from at least two new sources for each solicitation
  - Cannot be used for construction requirements over \$2,000
  - Should not be used for complex specifications
- Written Solicitations (as required by the Small Business Act (15 U.S.C. 637(e) and the Office of Federal Procurement Policy Act (41 U.S.C. 416)
  - If obtaining electronic or oral quotations is uneconomical or impracticable, the contracting officer should issue paper solicitations for contract actions likely to exceed \$30,000
  - The contracting officer shall issue a written solicitation for construction requirements exceeding \$2,000
  - Are synopsized on the GPE for purchases exceeding \$25,000 (unless excepted pursuant to FAR Part 5)
  - Are competed to the maximum extent practicable (see FAR 13.104)
- Combined Synopses/Solicitation for Commercial Items <u>FAR 12.603</u>)
  - Used to reduce the solicitation to award timeline
  - Single document for synopsis and solicitation meets <u>FAR 5.203</u> publicizing requirements
  - FAR 13.104 provides guidance on competition requirements

## **6. Information on Competition:**

The Acquisition Official shall follow the priority of sourcing stipulated in FAR 8.001. Requirements shall be filled at the highest priority source for which the requirement is reasonably available. The Acquisition Official shall use the optional Federal Supply Schedules (also known as the General Services Administration/GSA Schedules Program or the Multiple Award Schedule Program) (e.g., GSA Advantage!, e-buy-a component of GSA Advantage!-online quotation system, GSA eLibrary):, over open market, commercial sources as listed in FAR Part 8.001. The Ability One Program (for the purchasing from blind persons and persons with severe disabilities) remains applicable under the SAT. The Ability One Program is not waived, superseded or bypassed by micropurchasing authority or buying commercial items to substitute.

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- Applicable FAR Site (<u>Part 5.002</u>):
  - Publicized contract actions are required in order to—
    - Increase competition
    - Meet socioeconomic policies
    - Broaden industry participation in meeting Government requirements; and
    - Assist the full spectrum of small business concerns in obtaining contracts and subcontracts

## 7. SAP Methods of Purchase

**Purchase Orders** <u>when issued</u> by the Government, means an <u>offer</u> by the Government to buy supplies or services, at the stated price in the order and upon specified terms and conditions contained in the order (FAR 13.302).

- Award amount is >Micro-purchase Threshold and ≤ \$150K (SAT)
  - o Unless commercial items > Micro-purchase Threshold to <=\$6.5M
- Purchase Order itself shall contain at minimum
  - Quantities of supplies or scope of services
  - o Place of performance/delivery location
  - o Delivery date or period of performance
  - o F.O.B. destination unless valid reason otherwise
- Usually awarded unilaterally (only CO signs)
- Becomes a <u>binding Contract</u> versus offer when contractor performs or if contractor signs the order

**Blanket Purchase Agreement (BPA)** is a simplified method of filling anticipated <u>repetitive</u> <u>needs</u> for supplies or services by establishing "charge accounts" with qualified sources of supply. BPAs are appropriate when:

- Requirements exist for a wide variety of items within a broad class of goods, but the exact items, quantities, and delivery requirements are not known in advance;
- There is a need to provide commercial sources of supply for one or more offices in a given area that do not have or need authority to purchase otherwise;
- The writing of numerous purchase orders can be avoided through the use of this procedure; or
- There is no existing requirements contract for the same supply or service that the contracting activity is required to use. (FAR 13.303-2)
- Two types of BPAs:
  - o "Traditional" BPA subject to FAR Part 13

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 GSA Schedule BPAs, aka Multiple Award Schedule (MAS) BPAs which are subject to FAR 8.405-3

## • Some unique facts:

- o BPAs <u>are not</u> contracts, the subsequent orders against them are the contracts
- o BPAs are "established" vs. awarded with no minimum amount required
- BPAs contain the framework (clauses and prices) for incorporation in future orders
- BPAs can be centralized and "decentralized" with "ordering offices" under specific limitations

After determining that a BPA would be advantageous, contracting officers should establish the parameters to limit purchases to individual items or commodity groups or classes, or permit the supplier to furnish unlimited supplies or services. Contracting officers should consider suppliers whose past performance has shown them to be dependable, who offer quality supplies or services at consistently lower prices, and who have provided numerous purchases at or below the SAT.

## BPAs may be established with-

- more than one vendor for supplies or services of the same type to provide maximum practicable competition;
- a single firm from which numerous individual purchases at or below the SAT will likely be made in a given period; or
- Federal Supply Schedule contractors, if not inconsistent with the terms of the applicable schedule contract.

BPAs include a description of the agreement, the extent of obligation, pricing, purchase limitations, notice of individuals authorized to place orders, delivery tickets, and invoices. They are considered complete when the purchases under them equal their total dollar limitation, if any, or when their stated time period expires.

Consistent with the approval levels established in Acquisition Chapter Guide 8.4, approval levels for "Traditional" BPA subject to FAR Part 13 are:

- If the action is less than \$650,000, the Contracting Officer; Between \$650,000 but less than \$12,500,000, the Contracting Activity Competition Advocate;
- If the action is \$12,500,000 or greater but not exceeding \$50,000,000, the Head of the Contracting Activity (HCA), in accordance with the HCA's Delegation of Authority/Designation memorandum; and
- If the action is \$50,000,000 or greater, the Senior Procurement Executive.

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# 8. Supplemental Information:

- The contracting officer is forbidden to request or obtain certified cost or pricing data when the acquisition is at or below the SAT currently at \$150,000 (unless deemed necessary). (Reference FAR 15.403-1 (a))
- The contracting officer must not solicit quotations based on personal preference, or restrict solicitation to suppliers of well-known and widely distributed makes or brands.
- The contracting officer must clearly articulate the basis-price alone or price and other factors (e.g. past performance and quality) upon which award will be made. It is not, however, necessary to state the relative importance assigned to each evaluation factor.
- Solicitation from one source is authorized if the contracting officer determines in writing that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreement).
- Options may be included in solicitations provided the requirements of FAR 17.2 are met and the aggregate value of the acquisition and all options does not exceed the dollar threshold for use of simplified acquisition procedures.
- The contracting officer has broad discretion in fashioning suitable evaluation procedures. Those described in FAR Parts 14 and 15 are not mandatory; however, at the contracting officer's discretion, one or more, but not necessarily all, of the evaluation procedures in FAR Parts 14 and 15 may be used.
- If using price and other factors, ensure that quotations or offers can be evaluated in efficient and minimally burdensome fashion. Formal evaluation plans and establishing a competitive range, conducting discussions, and scoring quotations or offers are not required. Rather, contracting officers are encouraged to comparatively evaluate offers and to evaluate other factors (e.g., past performance) based on information such as knowledge of and previous experience with the supply or service being acquired.
- Prior to establishment of an award, the contracting officer must determine that the proposed price(s) is/are fair and reasonable. Whenever possible, base price reasonableness on competitive quotations or offers. However, when this is not possible, the determination may be based on market research; comparison of the proposed price with prices found reasonable on previous purchases; current price lists, catalogs, or advertisements; a comparison with similar items in a related industry; value analysis; personal knowledge of the item being purchased; comparison to an independent Government estimate; or any other reasonable basis.

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## • SAP Sole Source Information:

- For SAP acquisitions equal to or less than SAT, adhere to the requirement to document the Contracting Officer's determination as described in <u>FAR 13.106</u>.
- o For SAP acquisitions greater than SAT, Justifications and Approvals under acquisitions made using <u>FAR 13.5</u>, Test Program for Certain Commercial Items, shall be prepared using the format identified in <u>FAR Subpart 13.501</u> to reflect an acquisition under the authority of the test program for commercial items.

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| Contracting methods              |  |  |  |
|----------------------------------|--|--|--|
| Procedures                       | Contracting by simplified acquisition procedures FAR Part 13   | Contracting by negotiated procedures FAR Part 15   |  |
| Solicitation                     | All commercial item acquisitions exceeding \$25,000 may use streamlined posting and solicitation procedures to reduce the time needed to advertise and solicit offers, respectively, as described in FAR Part 12.  |  |  |
| Evaluation /<br>source selection | <ul> <li>The contracting officer has broad discretion in fashioning suitable evaluation procedures.</li> <li>If using price and other factors, contracting officers should ensure that quotations or offers can be evaluated in an efficient and minimally burdensome fashion. Formal evaluation plans and establishing a</li> </ul>   | <ul> <li>A formal source selection is required, including an evaluation team with expertise tailored for the particular acquisition, which will generally evaluate cost or price, technical factors, and past performance.</li> <li>The evaluation factors and significant subfactors that apply to an acquisition and their relative</li> </ul> |  |
|                                  | <ul> <li>competitive range, conducting discussions, and scoring quotations or offers are not required.</li> <li>Evaluation of past performance can be based on, among other things, the contracting officer's knowledge of and previous experience with the supply or service being acquired, or any other reasonable basis.</li> </ul>  | importance are within the broad discretion of agency acquisition officials, subject to certain requirements.   |  |
| Award                            | <ul> <li>The contracting officer must determine that the proposed price is fair and reasonable.</li> <li>Whenever possible, price reasonableness should be based on competitive quotations or offers. If only one response is received, the contracting officer must include in the contract file a statement of price reasonableness.</li> <li>Contracts must be competed to the maximum extent practicable. Contracting officers can post proposed contract actions over \$25,000 to the government-wide point of entry, located at Federal Business Opportunities (FedBizOpps) or solicit sources from the local trade area. Noncompetitive awards using simplified procedures under the test program are permissible if justification, approval, and notice are provided when required.</li> </ul> | <ul> <li>After identifying the most highly rated proposals, the<br/>contracting officer must generally establish a<br/>competitive range, notify unsuccessful offerors, and<br/>conduct discussions with offerors in the competitive</li> </ul>  |  |

Table 1: Comparison of Simplified Acquisition and Negotiated Procedures for Acquiring Commercial Items

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|--|---|--|
|  | Clia  | oter 13.3 (March 2014)                                     |
| SIMPLIFIED ACQUISITION                                 | N DOCUMENTATION RECORD                                  | REQUISITION NO.  |
| Required for acquisitions greater than the             | micro-purchase threshold up to \$150K)                  | PURCHASE ORDER NO.   |
| Note: Enter an "X" in the b                            | box to the left of all applicable items and complete a  | ny additional information                                  |
| 1. Sources Screened                                    |   |  |
| (SUPPLIES)   |   | (SERVICES)   |
| ☐ Agency Inventories                                   | ☐ AbilityOne/JWOD (FAR 8.7)                             | ☐ AbilityOne/JWOD  |
| Excess from other Agencies (FAR                        | Not offered   | Not offered  |
| 8.1)   | ☐ Federal Supply Schedule (FAR 8.4)                     | Waiver attached for services                               |
| Not available  | Items not available under FSS                           | ☐ Federal Supply Schedule                                  |
| Federal Prison Industries (FAR 8.6)                    | Items available under GSA FSS number:                   | ☐ Federal Prison Industries (UNICOR)                       |
| Not comparable to commercial industry                  |   | Not offered/not required for services                      |
| FPI waiver attached                                    | Expires   | Not comparable to commercial industry                      |
| Meets authorized exception (FAR                        | ☐ Commercial or /Local                                  | FPI waiver attached  |
| 8.605)   | Contract  | Meets authorized exception (FAR 8.605)                     |
|  | Expires   | ☐ Commercial   |
|  |   |  |
| 2. Market Research                                     | -   | -  |
| Market research was conducted with the following       | ollowing results (e.g., number of companies contacted a | and when, resources used):                                 |
|  |   |  |
|  |   |  |
|  |   |  |
|  | ·   |  |
|  |   | per the definition in FAR 2.101 and in accordance with FAR |
| Part 12, Enclosure 1: Yes No                           | Briefly describe basis:                                 |  |
|  |   |  |
|  |   |  |
|  |   |  |

#### Simplified Acquisition Documentation Record

| Simplified Acquisition Documentation Record  |
|--|
| 4. Synopsis  |
| ☐ Requirement was synopsized (required for buys >\$25K including options) ☐ Requirement posted or disseminated (required for buys \$10K–\$25K) |
| ☐ Combined synopsis/solicitation ☐ Requirement was not synopsized; the following FAR 5.202 exception applies:                                  |
|  |
| 5. Basis for Award   |
| ☐ Sole/proprietary source  |
| Sole Source Justification signed by the Contracting Officer in the file.   |
| Only known source of supply  |
| Utility services available from only one source/educational services from nonprofit institution  |
| Other (if greater than the micro-purchase threshold, state reasons for noncompetitive action)  |
|  |
|  |
| ☐ Low quote/offer/GSA FSS price  |
| ☐ Mandatory Source of Supply per FAR 8.002   |
| ☐ Best value (identify the factors considered in making this determination)  |
| Special features (salient characteristics) Trade-in considerations Warranty provisions Maintenance availability                                |
| Probable life of the item selected as compared with comparable item Environmental and energy efficiency considerations                         |
| Past performance Transportation factors (total cost to destination) Other (explain)  |
|  |
|  |
|  |
|  |
| 6. Basis for Determining Price Reasonableness  |
| Adequate price competition   |
| Vendors solicited (enter number) Quotes received (enter number)  |
| ☐ Historical comparison for the same or similar items  |
| Prior Contractor: Order No.: Date Purchased:   |
| Quantity and Unit of Issue: Unit Price Previously Paid:  |
|  |

## **Simplified Acquisition Documentation Record**

| 6. Basis for Determining Price Reasonableness (cont)   |
|--|
| Basis for determining prior price fair and reasonable:   |
| If the items are not identical, explain why the comparison is considered valid:  |
| ☐ Parametric Estimate. Explain:  |
| ☐ Comparison with published price lists, catalogs, or advertisements. ( <i>Note: Inclusion of price in a price list, catalog, or advertisement does not, in and of itself, establish fair and reasonableness of the price.</i> ) Specify source(s):  |
| Manufacturer/vendor name: Catalog/List title or number:  |
| Effective date(s)Page number(s):   |
| ☐ Independent Government Cost Estimate. Provide detail:  |
| ☐ Comparison with prices for same or similar items. Specify source(s):   |
| ☐ Other Price Analysis or Comments:  |
|  |
|  |
|  |
| 7. System for Award Management (SAM)   |
| Contractor/vendor is registered with the SAM and are not excluded from receiving federal awards (Entity block is green). (Attach printout from <a href="https://www.sam.gov">www.sam.gov</a> and retain in the Supporting Documents)   |
| ☐ Contractor/vendor is not registered with the SAM but a waiver has been made due to urgency   |
| The second section of the |
| 8. Contractor Responsibility Determination: The prospective contractor has been determined to be responsible as prescribed by FAR 9.104  |
| The contractor —   |
| ☐ Has satisfactory performance record (i.e., personal knowledge, reports, or other. Explain:   |
| ☐ Has ability to meet the delivery/performance schedule  |
|  |
| 9. Small Business  |
| ☐ Small Business- Small Purchase Set-Aside FAR 13.003(b)   |
| This procurement has been set-aside exclusively for:   Small Businesses   Woman-Owned Businesses   Disadvantaged Businesses   Other  |
| Provide Contracting Officer's rationale for awarding to other than a small business (FAR 19.502).  |
|  |
|  |

## **Simplified Acquisition Documentation Record**

| 11. Additional Remarks for Block No(s). |       |
|---|-------|
| PREPARED BY (SPECIALIST/BUYER):         | DATE: |
| PREPARED BY (SPECIALIST/BUTER).         | DAIL. |
|   |       |