



POLICY FLASH 2011-75

DATE: May 18, 2011

TO: Procurement Directors

FROM: Director, Policy Division 
Office of Procurement and Assistance Policy
Office of Procurement and Assistance Management

SUBJECT: Acquisition Guide Chapter 8.4 - Federal Supply Schedules and Chapter 16.5 – Multiple-award Contracts and Governmentwide Acquisition Contracts Including Delivery Orders and Task Orders

SUMMARY: Acquisition Guide Chapters 8.4 - Federal Supply Schedules and 16.5 – Multiple-Award Contracts and Governmentwide Acquisition Contracts Including Delivery Orders and Task Orders replace Chapter 38.1 Strategic Acquisition Transactions.

The new chapters include revisions from Federal Acquisition Circular (FAC) 2005-50 to Federal Acquisition Regulation (FAR) Subparts 8.4 and 16.5.

Specifically, revisions to FAR Subparts 8.4 and 16.5 —

- Amend the procedures for ordering supplies and services under Federal Supply Schedule (FSS) contracts at FAR 8.405–1 and 8.405–2, when the order is above the simplified acquisition threshold (SAT), to require that ordering activities —
 - Receive at least three quotes, as a general matter, that can fulfill the requirement and fairly consider all quotes received; and
 - Document the file to explain efforts made to obtain quotes from at least three FSS contractors that can fulfill the requirements if fewer than three quotes were received and e-Buy, an electronic FSS requirements posting tool, was not used.
- Establish new competition procedures at FAR 8.405–3 for creating blanket purchase agreements (BPAs) under FSS contracts and placing orders under the BPAs.

- Revise the “fair opportunity” competition requirements in FAR 16.505(b) (applicable to multiple-award task- and delivery-order contracts for orders exceeding the SAT, agencies must provide fair notice of intent to make the purchase to all contract holders; afford all contract holders a fair opportunity to submit offers and have those offers fairly consider; and justify in writing an exception to fair opportunity.
- Amend the contract award synopsis provisions at FAR 5.301 and 16.505(b)(2)(ii)(D) to require publication and posting of actions supported by exceptions to fair opportunity at FAR 16.505(b)(2) for task- and delivery-order contracts, except when disclosure would compromise national security or create other security risks.

These FAR revisions are applicable and effective as follows:

- For solicitations issued and contracts awarded on or after May 16, 2011 (*see* FAR 1.108(d)(1)).
- For orders issued on or after the effective date of this regulation, without regard to whether the underlying contracts were awarded before May 16, 2011.
- For BPAs established under FSS contracts on or after May 16, 2011.
- For BPA ordering procedures in accordance with FAR 8.405–3(c) –
 - Are mandatory for BPAs established under FSS contracts on or after May 16, 2011, and;
 - Are discretionary for BPAs established under FSS contracts prior to the effective date.

This flash and the two attachments may be viewed at http://management.energy.gov/policy_guidance/policy_flashes.htm.

Questions concerning this policy flash should be directed to Barbara Binney at (202) 287-1340 or barbara.binney@hq.doe.gov for Department of Energy and to Steve Law at (202) 586-4321 or stephen.law@nnsa.doe.gov for National Nuclear Security Administration.

Attachments