

DEPARTMENT OF THE ARMY
HEADQUARTERS, I CORPS AND FORT LEWIS
Fort Lewis, Washington 98433-9500

FL Regulation
No. 715-1

9 August 2004

Procurement
FORT LEWIS ACQUISITION INSTRUCTION (FLAI)

1. PURPOSE. To delineate regulatory requirements pertaining to the purchase of supplies, equipment, and services by the installation Directorate of Contracting (DOC) and provide instructions to activities requesting the purchase of supplies, equipment, and services.

2. APPLICABILITY. The procedures outlined herein apply to all activities and units supported by the DOC.

3. REFERENCES. References are listed in Appendix A.

4. AUTHORITY.

a. Centralization of the Contracting Function.

(1) Department of Army policy is that the contracting function at an installation/activity be the responsibility of a central contracting office. The Principal Assistant Responsible for Contracting (PARC), U.S. Army Contracting Agency (ACA), appoints contracting officers at DOC, Fort Lewis.

(2) Only warranted contracting officers shall obligate the government, with certain exceptions specified below. In accordance with the Federal Acquisition Regulation (FAR) and Joint Ethics Regulation (JER), no one other than appointed contracting officers or their designated agents will authorize, commit, or make representations to commercial, public, or individual entities that might be construed as obligating the U.S. Government to procure or award a contract for supplies, equipment, or services.

b. Other Individuals Authorized to Make Purchases. Individuals listed below shall prepare and submit information for reporting purposes to DOC as specified in their appointments:

(1) Individuals appointed by DOC as credit cardholders.

(2) Individuals appointed by DOC to place calls under master agreements.

(3) Individuals appointed by DOC as ordering officers.

c. Violation of Regulatory Requirements. Penalties for violating regulatory requirements are set forth under Article 92 of the Uniform Code of Military Justice (UCMJ) for members of the military and under 5 USC Chapter 75 for civilian employees.

d. Financial Disclosure. Individuals appointed as Contracting Officer's Representatives (COR), credit card approving officials, ordering officers and callers for the master purchase agreements shall complete a Confidential Financial Disclosure Report (OGE Form 450) annually. The government purchase card's approving official and the cardholder must also file an OGE 450 if his/her total purchases exceeded \$100,000 for the year. All OGE 450 filers must receive annual ethics training.

e. Release of Procurement Information.

(1) Department of Defense (DOD) policy is that a high level of business security be maintained in the procurement process. All government personnel should take care not to release information that would give an unfair advantage to one potential source over another.

(2) DOD personnel who are contacted by anyone, including congressional or executive personnel outside of DOD, for the purpose of influencing an award, shall notify the Director of Contracting or the I Corps/IMA Staff Judge Advocate (SJA) of the attempt.

f. Gifts or Voluntary Services. AR 1-100 and 31 U.S.C., Section 1342, generally prohibits acceptance of gifts or voluntary service for the United States. Offers of such gifts or voluntary service should be declined, and the offeror should be advised to contact a contracting officer at DOC if any further information is desired.

g. Micro-purchases. Directorate of Contracting will not normally accept purchase requests with an estimated cost under \$2,500. The requesting organization shall use the Government Purchase Card for these purchases. Under certain circumstances, the DOC may issue a convenience check.

h. Bailment Agreements. Whenever contractor-owned property is provided to the government at no cost, a bailment agreement will be entered into between the government and the contractor. You must contact the contracting office prior to taking possession of contractor-owned property. All contractor-owned property will be processed through the servicing property book office.

i. Legal Review.

(1) Local legal review by the Civil Law Division, SJA, will be made on all formal solicitations with a total estimated value above the simplified acquisition threshold. Solicitations below the simplified acquisition threshold will be reviewed on a case-by-case basis at the request of DOC personnel.

(2) Prior to award, local legal review will be made of all new awards/modifications with an estimated value equal to or greater than \$100,000 except unilateral exercise of options where there is no change in wage rates.

(3) In addition to providing legal advice, a Civil Law Division attorney will also provide business advice as a member of the Commander's business advisory team.

5. DEFINITIONS.

a. AcquiLine/PR Web. A web-based method to produce paperless purchase requests that interacts directly with the DOC production database. Customers can create, approve, and commit funds and track status of purchase requests at their desktop computer.

b. Federal Business Opportunities (FEDBIZ OPPS). A daily list of U.S. Government procurement solicitations, contract awards, and subcontracting leads published by the U.S. Department of Commerce to notify potentially interested parties of contracting opportunities offered by the government.

c. Formal Contract. For purposes of this document, a formal contract is considered to be any procurement action in excess of \$100,000 for services and supply items that are not available from General Services Administration (GSA), Defense Logistics Agency (DLA), Federal Prison Industries, National Industries for the Blind, National Institute for the Severely Handicapped, or other inventory control points.

d. Micro-purchases. Purchases, with an estimated cost of \$2,500 or less, for services and supplies.

e. Procurement Package. An assortment of documents comprising all the DOC requirements from the requesting activity to solicit offers from vendors. This includes the complete purchase request together with all necessary performance work statements, technical provisions, drawings, sole source justification, surveillance plans, and source selection criteria.

f. Simplified Acquisitions. Those purchases with an estimated cost of less than \$100,000 and those purchases that are available from the GSA, the DLA, Federal Prison Industries, and "Workshops" for the blind and other severely handicapped, even though the expected cost exceeds the simplified purchase threshold.

g. Unauthorized Commitment. An agreement that is not binding either because the government representative who made it lacked the authority to enter into that agreement on behalf of the government; an authorized agent failed to renew a maintenance agreement and services continued; or appropriate documents were submitted but failed to be processed at a higher level and services/supplies were accepted.

h. Unsolicited Proposals. A written offer to perform a proposed task or effort initiated and submitted to the government by a prospective contractor (offeror) without a solicitation by the government, with the objective of obtaining a contract.

6. PROCEDURES.

a. Scope.

(1) Although contracting officers are not responsible for verifying the validity of requirements on an approved purchase request or other authorized procurement directive, they will advise requesting activities of apparent or obvious errors in requirements. They will also ensure that purchase requests are reviewed for reasonableness of delivery dates, specifications, purchase descriptions, and packing or transportation requirements.

(2) Requesting activities are responsible for obtaining all required approvals and waivers prior to submitting a purchase request to DOC for purchase action. Inventory Control Point approvals or waivers are required for centrally controlled items or assigned commodities; for high dollar projects, or supplies and equipment that exceed the installation local approval authority, or require special approval, e.g., Army Materiel Command and ACA; for nonstandard nonstock items; and for base level commercial equipment.

(3) Recommend that requesting organizations contact DOC to discuss documentation and time frame requirements prior to submitting procurement packages with an estimated value greater than \$100,000.

b. Supplies and Equipment.

(1) Sources of Supply. Units and activities will ensure normal supply channels such as GSA, DLA, and Inventory Control Points are used to the maximum extent possible.

(2) Requests for purchase of automated data processing hardware and software, cell phone equipment, and services will be supported by an approved Capability Request (CAPR) attached to or accompanying the purchase request. Tactical units will submit CAPRs to I Corps G6 for action prior to purchasing ADPE (G6 will submit approved CAPRs to 1115th signal Battalion for final CAPR number assignment). Garrison staff and tenant activities will submit CAPRs to the 1115th Signal Battalion.

(3) Requests for purchase of non-end user ownership audiovisual equipment, training aids, and devices will be processed through the Directorate of Plans, Training, Mobilization and Security, Training Support Center for approval unless Class VI delegation applies. End user audiovisual equipment is defined as all audiovisual equipment up to \$25K purchase price with the exception of production equipment.

(4) Requests for the purchase and installation of carpeting, draperies and blinds must be coordinated through Public Works (PW), Work Management Center.

c. Services.

(1) The Document Automation and Production Service, Fort Lewis, formerly Defense Automated Printing Service, will accomplish all printing (invitations, awards, regulations, instructional materials, etc.).

(2) Directorate of Logistics (DOL) is authorized to process their requirements for repair and maintenance services to equipment in place directly to the DOC.

(3) Other Repair and Maintenance Services. Units and activities submitting requests for one-time repair of vehicles and equipment must submit their requests through the servicing technical activity; e.g., DOL Maintenance Division. Requests for annual maintenance funded by end-user may be submitted directly to DOC.

(4) Other Services. Purchase requests for services other than those named above may be submitted directly to DOC.

d. Construction. Activities submitting requests with construction as a major part of a "furnish and install" will process their requests through PW.

7. PURCHASE REQUEST DESCRIPTIONS.

a. General.

(1) Plans, drawings, specifications, or purchase descriptions shall state only the minimum essential needs of the government and describe the supplies and services in a manner that will encourage maximum competition and use of commercial items and eliminate any unnecessarily restrictive features.

(2) Bid Schedules.

(a) Proposed bid schedules will be furnished that accurately reflect the scope of work by line item number. Separate schedules will be established when completion dates vary (e.g., option years/items); when statutory limits are involved; and/or when the government may achieve a lower cost by conducting multiple awards.

(b) Separate bid items will be provided for each citation of separate funding.

b. Brand name or equal.

(1) General. The minimum acceptable purchase description is the identification of a requirement by use of brand name, followed by the words "or equal".

This technique shall only be used for simplified purchases and when an adequate specification or more detailed description cannot be made available in time for the procurement under consideration.

(2) Significant/Salient Characteristics. Brand name or equal purchase descriptions must set forth the most significant physical, functional, or other characteristics of the referenced product, which are essential to the minimum needs of the government.

c. Commercial Items. Requesting activity is encouraged to do market research to see if commercial items will satisfy their needs. Results of market research should be forwarded to DOC with the purchase request.

8. PURCHASE REQUEST FORMS.

a. Purchase requests for supplies, equipment, and services shall be created in AcquiLine/PR Web (or successor Legacy systems). A brief description of the AcquiLine/PR Web process, procedures, terminology, and POC is at Appendix D.

(1) Purchase Request Number. All purchase requests must cite a fourteen-digit number in the block titled "Purchase Request Number". The 14 digits shall be formulated as follows: Digits 1-6 = agency DODDAC, followed by a hyphen, digit 7 = last digit of current FY, digits 8-10 = Julian date, followed by a hyphen and digits 11-14 = a unit control number (example, N001). Any purchase request received by the DOC without the fourteen-digit purchase request number will be returned.

(2) Fund Cite. All requests will cite a 65-digit accounting classification number.

b. Certification and Commitment of Funds - Fund Certifying Officers.

(1) The G8/DRM grants funds certification authority to various resource managers in accordance with DFAS-IN Reg 37-1.

(2) Only those persons possessing written delegation of fund certification authority will be recognized as having the authority to certify availability of funds on any type of request for procurement action, including memorandums requesting modifications.

(3) It is not acceptable for an individual who does not have fund certifying authority to sign "for" an authorized person.

c. Approving Authority. Commanders, chiefs, activity directors and their duly designated representatives are authorized to approve purchase requests as approving authority for the Installation Commander.

d. Delivery Dates.

(1) General. In order to provide the DOC with a precise target date, each purchase request will specify the desired time for delivery of the supplies or for the start of the services. The date should be realistic, and it should allow sufficient time for prudent acquisition procedures to be followed (see Appendix B).

(2) Priorities. If required, the commander of the requiring activity may request airfreight shipment in writing. The airfreight charge will then be added to the purchase price of the item.

9. ACTIVITY/UNIT RESPONSIBILITIES.

a. General. It is the responsibility of the unit or activity submitting the request to provide persons capable of performing the broad functions of technical support, such as engineering evaluations, testing, inspection, and quality assurance. Technical assistance may be required from the supported activity to evaluate proposed contractor responses and participate in formal reviews.

b. Contracting Officer's Representative (COR). Units and activities will nominate qualified individuals for designation as the COR for each service contract procured using other than simplified purchase procedures. Such nominations will include information concerning the nominee's background and experience that qualifies the nominee to act as the COR for the contract. Nomination, designation, and conduct of COR functions shall be in accordance with FL Pam 715-1.

c. Quality Assurance Surveillance Plans (QASP). For service-type contracts estimated to be in excess of \$100,000, it is the responsibility of the unit or activity submitting the request to provide a proposed QASP concurrent with the submission of the requirements.

10. QUALITY AND RELIABILITY ASSURANCE.

a. Policy. It is government policy to reject supplies, services, and equipment not conforming in all respects to contract requirements (Federal Acquisition Regulation (FAR) 46.407).

(1) Deviation from this policy is permissible only as authorized in FAR 46.407, when acceptance of nonconforming supplies, services and equipment is in the best interest of the government.

(2) The act of offering nonconforming material to the government by a contractor should be an exception.

b. Exceptions. Contracting officers may reject or accept minor waivers for nonconformance. FAR Parts 46 and 52 describe conditions under which a contract will be modified to provide for an equitable price reduction or other consideration when supplies or services involving minor nonconformance are acceptable.

c. Consideration. The contracting officer will pursue an offer of consideration when, in the opinion of the Contracting Officer, the government has a legal right to the products or services and the contractor/vendor has not complied with performance requirements (including delivery) or technical specifications.

d. Fort Lewis service contracts are to be developed/monitored, using guidance from Army Federal Acquisition Regulation Supplement (AFARS), Part 37.

11. MARKET RESEARCH.

a. General. The selection of contractors and vendors is normally the responsibility of the contracting officer; however, purchase requests should list suggested sources. Special assistance may be needed in locating sources for items of a special or technical nature not generally available on the local market.

b. Sole Source Procurements.

(1) In general, there are few sole sources in today's market place.

(2) A written statement, signed by the requester, fully justifying the request for a "sole source" purchase will accompany any purchase request which is based solely upon the product of one bidder or supplier. This statement will include information sufficient to permit the contracting officer to make a determination regarding the propriety of a sole-source acquisition and information discovered in a market survey. Appendix C provides a list of questions that must be considered and addressed in the statement, which accompanies each request for noncompetitive (sole-source) procurement. The DOC will format a justification and approval based on this statement for the activity's signature.

(3) Any request for noncompetitive (sole-source) procurement of services or supplies, which is estimated to result in an award of \$100,000 or more, will be reviewed for legal sufficiency by the Fort Lewis SJA, Civil Law Division.

(4) Either the functional area director or the commander will approve the justification. The signature levels for sole source purchases are shown in Table 1 below:

TABLE 1 - Approval Levels

Dollar Threshold	Technical Certification	Requirements Certification
\$100,000 to \$499,999	Functional Area Director	Functional Area Director
\$500,000 to \$10,000,000	Functional Area Director	Garrison CDR/or comparable level
Over \$10 million	Functional Area Director	Commanding General

12. GOVERNMENT ESTIMATES.

a. Services. Requesting activities will provide the DOC with an independent government estimate for the procurement. The estimate information should consider changes in wage rates as published by the Department of Labor; existing labor bargaining agreements; industry standards; and any other factors that affect the cost of the procurement over a realistic period of time.

b. Supplies/Equipment. Requesting activities will provide the DOC with published pricing information (whenever possible) for the desired end item to be procured. If the end item is to be installed, the requesting activity will provide separate pricing information for the installation work effort required unless the manufacturer's literature affirms that the published price includes installation.

c. Construction.

(1) All construction is processed through PW to the Corps of Engineers, Seattle District.

(2) Activities submitting requests with construction as a major part of a "furnish and install" will process their requests through PW.

13. FOLLOW-UP/EXPEDITE RESPONSIBILITIES AND PROCEDURES.

a. AcquiLine provides the capability to view current status of purchase requests within DOC and view award/delivery date.

b. Memorandums or e-mail should be used to notify the DOC of orders which customer believes requires follow-up/expedite action. Orders should be identified by order number, rather than by document numbers for services.

14. INVOICING AND RECEIVING.

a. Invoicing.

(1) The Prompt Payment Act (P.L. 97-177) became effective on 1 October 1982. This act has placed increased constraints on the time allowed for processing payments to commercial vendors. Under this act, the government is liable for payment of interest on late accounts. Normally, 30 days from receipt of invoice or supplies/services is used to compute interest; therefore, the office specified for receipt of invoice is critical.

(2) Defense Finance Accounting Office (DFAS). Procurement actions by the DOC will normally specify that the office designated for receipt of invoices is DFAS - ROME.

(3) The PW is the designated billing office for construction contracts.

b. Receiving.

(1) Receiving Date. The date of receipt of a vendor's invoice at the office designated on the order or contract is one of the critical factors in determining the date payment is due.

(2) Documentation.

(a) Supported activities are responsible for assuring that receiving reports are prepared promptly upon receipt and acceptance of the ordered supplies, equipment, or services. Completed receiving reports must be immediately furnished to the Vendor Pay Branch of their servicing Finance Office (with a copy to the DOC) to permit expeditious processing of payments to vendors and contractors. The date of actual receipt of supplies or services will be used on the receiving report, not the date the report is prepared.

(b) In the case of rentals and annual maintenance, DD Form 250, Material Inspection and Receiving Report, or equivalent DFAS-approved document, may be required monthly or quarterly during the period specified in the order. *SPECIAL EMPHASIS IS NECESSARY ON THIS PHASE OF THE ACQUISITION PROCESS, PARTICULARLY IN VIEW OF THE PROMPT PAYMENT ACT, WHICH REQUIRES THE GOVERNMENT TO PAY INTEREST ON DELINQUENT ACCOUNTS.*

(3) Incorrect Shipments. Occasionally, a vendor will ship quantities in excess of those ordered. Unless the order or contract specifically authorized a variation in

quantities, the over shipment should not be accepted without consulting the contracting officer.

(4) Direct Shipment. Direct shipment of supplies and equipment items to Fort Lewis installation activities other than the consolidated receiving point will not be authorized without the express written approval of the property officer.

15. PLANNING.

a. Advance Contract Planning. Advance contract planning is the means by which the efforts of all personnel responsible for the acquisition of defense material and services by purchase order or contract are coordinated as early as practicable, in order to obtain required items at a fair and reasonable price. See Appendix B of this regulation for guidance as to the average Contracting Administrative Lead-Time (CALT).

b. Unplanned Requirements. Occasionally, bona fide emergencies arise which require special procedures and extra effort to meet the user's needs. These special needs to meet unforeseen urgent requirements shall be identified as early as possible and may require separate justification to support non-competitive action.

16. WARRANTIES. Personnel should contact their property book officer for warranty information on government-owned equipment, with the exception of construction warranty callbacks. For information on construction warranties, individuals should contact the PW, Work Order Desk.

17. UNSOLICITED PROPOSALS.

a. To avoid giving a particular contractor (offeror) an advantage over competitors, recipients of contacts from firms offering unsolicited proposals will coordinate with contracting personnel before undertaking discussions, and written proposals received will be submitted to DOC.

b. As required, the matter will also be coordinated with the Staff Judge Advocate (SJA) to ensure that proprietary data are protected and to discourage a contractor (offeror) from undertaking costly efforts prior to determination that a requirement exists.

18. CONTRACT REVIEW BOARD (CRB).

a. The purpose of the CRB is to ensure senior acquisition management, legal, and functional personnel review the acquisitions.

(1) The CRB will review all negotiated procurements estimated to exceed \$500,000.

(2) Actions estimated above \$3 million firm fixed price, or other than firm fixed price, will be forwarded to the (PARC) ACA, for approval with the CRB's comments.

b. Membership. The board will consist of the Director of Contracting, Deputy Director/Chief of Services Division (alternate chairperson), Chief of Commercial Items Division, the DOC procurement analyst, other contracting officers from the DOC as needed, a representative of the SJA, and an individual from the requesting activity.

19. UNAUTHORIZED COMMITMENTS.

a. Ratifying Unauthorized Commitments. Contracting officers have limited authority to ratify Unauthorized Commitments. The Army Contracting Agency (ACA) has delegated ratification authority to chiefs of contracting offices for amounts of \$25,000 or less, and to the PARC, ACA, for actions in amounts of \$25,001 to \$100,000. Ratification actions will be processed in accordance with AFARS 1.602-3.

b. Documentation of Unauthorized Commitments.

(1) Requests to ratify Unauthorized Commitments shall be processed using FORSCOM Form 121-R, Request for Approval of Unauthorized Commitment. Use of this six-part form involves the following sequence of events:

(a) Upon realization that an Unauthorized Commitment of government funds has occurred, the unit/activity will send a memorandum or email to the Director of Contracting explaining the circumstances.

(b) After receipt of the written notice, the Director of Contracting shall forward a memorandum to the unit/activity, transmitting FORSCOM Form 121-R for completion.

(c) The individual who made the Unauthorized Commitment will complete Items 1-5, Part I, Section A of FORSCOM Form 121-R and forward it to his/her immediate supervisor.

(d) The immediate supervisor will complete Item 6, Part I, Section A, and forward the form to the unit commander or director (first O-6 or equivalent in the chain of command).

(e) A face-to-face interview between the individual who committed an Unauthorized Commitment and the unit commander (O-6 or equivalent) will be conducted in accordance with the instruction herein. The unit commander will complete Part I, Section B and recommend remedial/specific corrective action and necessary action to preclude recurrence. The unit commander will then forward the FORSCOM Form 121-R to DOC and initiate a Purchase Request.

(f) The Contracting Officer shall complete Parts III and IV and obtain a legal opinion from the SJA as to the appropriate disposition of the action (Part V).

(2) The DOC is responsible for the timely processing of Unauthorized Commitments and will take steps to inform appropriate officials when the processing time appears excessive.

20. ADDITIONAL INFORMATION. The DOC is also responsible for the government I.M.P.A.C. credit card program and for the appointment of Ordering Officers for use of SF 44s. For additional information on these programs and applicable policies for micro-purchases, please contact the DOC Credit Card Program personnel at (253) 966-3513 or (253) 966-3510.

(SFCA-NR-LS, 966-3494)


JAMES M. COLLINS, JR.
Major General, USA
Deputy Commanding General/
Chief of Staff

APPENDIX A - References

APPENDIX B - Advanced Acquisition Planning Program (AAPP)

APPENDIX C - Questions to Ask Regarding Sole Source Procurements

APPENDIX D - Description of AcquiLine/PR Web Process and POCs

DISTRIBUTION:

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APPENDIX A

REFERENCES

AR 1-100 (Gifts and Donations) 15 November 1983

FL Pam 715-1 (Instructions to Contracting Officers' Representatives and Functional Area Chiefs, on Surveillance of Service Contractors) 9 October 1997

UCMJ (Uniformed Code of Military Justice) Article 92, 2002 Edition

5 USC, (Government Organization and Employees) Chapter 75, 2000 Edition

DFAS-IN Reg 37-1 (Finance and Accounting Policy Implementation) January 2000

DOD 5500.7-R (Joint Ethics Regulation (JER)) August 1993, Include C1-4

FAR Part 46 (Quality Assurance) 8 February 2002

FAR Part 52 (Solicitation Provisions and Contract Clauses) 19 July 2004

AFARS Part 37(Service Contracting) 25 July 1997

AFARS 1.602-3 (Ratification of Unauthorized Commitments) 29 February 2000

DD Form 250 (Material Inspection and Receiving Report) 1 October 2000

FORSCOM Form 121-R (Request for Approval of Unauthorized Commitment)
1 April 1996

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APPENDIX B

ADVANCE ACQUISITION PLANNING PROGRAM (AAPP)

1. PURPOSE. To describe the policy and procedures for acquisition planning and related contractual procurements.

2. RESPONSIBILITIES. The AAPP is an installation program rather than a contracting program. This program will not be successful without the active participation of all affected individuals.

3. GENERAL.

a. Due to the peak work load of the DOC during the fourth quarter of every year, all known orders and contracts that can be awarded in a different quarter must be developed to permit solicitation and award phases to occur during the first, second and third quarters.

b. The specified cycle for each of these contracts is published in September of each year in the AAPP. The time frames specified therein are mandatory on the activity responsible for submitting the requirements.

4. CONTRACT ADMINISTRATIVE LEAD-TIME.

a. Purchase requests for procurement packages will be prepared as far in advance of the required delivery date as possible in order to allow sufficient lead time to develop and award a solicitation.

b. The following time frames should be taken into consideration when preparing purchase requests for procurement actions in excess of \$100,000:

(1) Review of requirements and preparation of bid documents - 10 days.

(2) Advertising in the CBD is normally required when the contract action is expected to exceed \$25,000- 21 days.

(3) Staff Judge Advocate review - 14 days.

(4) Review by ACA if estimated cost exceeds \$3 million - 30 days.

(5) Bidding time - 20 to 60 days (depending on the nature of the item).

(6) Evaluation of bids, to include verification of bids received, pre-award survey and Contract Review Board meeting, and ACA review if required - 14 to 21 days.

(7) Total CALT goal is less than 155 days.

c. Exceptions to FEDBIZOPS Publicizing. Waivers to the publicizing requirement for competitive or noncompetitive procurements may be justified if the requesting activity furnishes a written, signed statement with the purchase request and with sufficient information to provide a basis for such a waiver. The statement must be adequate to support a determination by the contracting officer that the proposed procurement is of such unusual and compelling urgency that the government would be seriously injured by the delay involved in complying with the requirements to advertise in the FEDBIZOPS.

d. Other considerations. Specifications and purchase description changes; amendments to solicitations during the bidding time; mistakes in bids; protests; determining responsibility of the successful bidder; source selection evaluation; start up time; material delays, etc., are some of the variables that can delay performance. None are predictable; therefore, what appears to be adequate procurement lead-time often is not.

e. Simplified purchase requests (for local purchases of \$100,000 or less) should also be submitted as soon as the requirements are known. Many other factors and elements described in formal contract procedures have a similar impact on simplified purchases and should be considered when determining adequate contracting lead time. Our goal is 15 days.

APPENDIX C

QUESTIONS TO ASK REGARDING SOLE SOURCE PROCUREMENTS

1. Was a market search or other type of survey conducted?
2. What is the date of your first knowledge of the requirement?
3. What delays were encountered in initiating the acquisition process?
4. What is the latest acceptable delivery or start date?
5. Who specified the delivery or start date?
6. What would be the impact of delay in meeting the delivery or start date?
7. How would the government be injured if the noncompetitive procurement were not made? (Note: This includes estimates of additional costs incurred and the criticalness of schedules, including when the procurement need was first identified, reasonableness of delivery schedules, etc.)
8. Why can no other source meet the required date?
9. What are the procurement's minimum essential requirements?
(Note: Material should be presented verifying these minimum requirements.)
10. What unique capabilities does the proposed source possess which makes it the only company capable of meeting the minimum requirements?
11. Was the item or service previously procured?
 - a. If yes, was it from the same contractor?
 - b. If this is a continuation of a previous effort by the same contractor, justify why no other sources of supply are available.
12. Is there a technical data package, specification, engineering description, performance work statement or purchase description available which is sufficient for competitive procurement?
 - a. If not, is one being developed?
 - b. If not, why not?
 - c. How much lead-time would be required to develop it?

d. Has any cost-benefit analysis been conducted to determine if it would be advantageous to the government to buy or to develop such information?

e. If not, what evidence is available to justify that this analysis is not needed?

13. Can individual components of the procurement be competitively procured? If so, what steps have been taken to do this?

14. Does the procurement result from an unsolicited proposal?

a. If so, who first described the problem to be addressed by the unsolicited proposal?

b. Justify why the proposed contractor is the only one capable of performing the service or providing the item.

c. What are the unique, original and significant elements of the proposal?

d. Explain why a competitive request for proposals cannot be written without compromising the original ideas in an unsolicited proposal.

15. What steps are being taken to foster competition in subsequent procurements of this product or service?

APPENDIX D

DESCRIPTION OF ACQUILINE/PR WEB PROCESS AND POCs

AcquiLine PR Web replaces the DA Form 3953, Purchase Request (PR) and Commitment Form.

AcquiLine PR Web is a web-based method to produce electronic (paperless) PRs that interacts directly with the Directorate of Contracting production database. PR Web provides the means for customers to create, approve, commit funds, submit to DOC, and track status of their PRs from their desktop computer. PR Web will be used for all procurements above \$2,500.

Process:

Using the Internet, the requisitioning activity enters a PR and designates the approval process routing slip. Once routed, the AcquiLine system emails the first approving official that a PR requires their attention. The approving official may approve or disapprove the request or approve contingent upon receipt of funds. If the PR is approved, the system emails the next person and continues through to the final approving official, the budget analyst. The budget analyst approves/disapproves the PR and certifies funds, if appropriate. If the budget analyst approves the request, the PR then enters the DOC production database ready for action. Throughout this process, the user can determine electronically where the PR is located and what action has been taken.

Typical Approval Process:

SUPPLIES: Requesting Activity – Approving Official – PBO – Comptroller – Budget Office – DOC

SERVICES: Requesting Activity – Approving Official – Comptroller – Budget Office – DOC

AcquiLine Registration and POCs:

All PR Web users must be registered in AcquiLine. For registration, training, and assistance in PR Web contact the DOC AcquiLine Automation Coordinator/DOC Systems Administrator at 966-3506 or 966-3496.

AcquiLine PR Web address: <http://acquieline.lewis.army.mil/acquieline>

Terminology:

AcquiLine:	Acquisition on Line
Customers/Users:	Requiring activity, PR Approving Official, Property Book Office, Budget Officer, Budget Office
DOC production database:	Standard Procurement System used to produce Contract award documents
PR Web:	Purchase Request Web