HHS Acquisition Plan (AP)[[1]](#footnote-1)

*Source Selection Information – FAR 2.101 & 3.104*

# Instructions and Templates for Completing an Acquisition Plan

**Instructions and Templates for Completing an Acquisition Plan**

**Purpose:** This document provides the instructions and templates for completing an Acquisition Plan (AP).

**Requirements and Responsibilities:** Generally, a written AP is required to support proposed acquisitions[[2]](#footnote-2) expected to exceed $500,000, including the value of all options[[3]](#footnote-3). HHSAR 307.7107 summarizes the acquisition planning responsibilities of various organizations and officials. The Project Officer (PO)[[4]](#footnote-4) is responsible for completing the AP, with assistance from the Contracting Officer/Contract Specialist (CO/CS).

The PO must coordinate with the CO/CS as early as possible[[5]](#footnote-5). Timely award of an acquisition depends on receipt in the contracting office of an accurate, complete, and approved AP. The PO must provide the signed AP to the Chief of the Contracting Office (CCO) or designee no later than the date (original or revised by mutual agreement) agreed to by the CO and PO in the acquisition milestone schedule in Part V of the AP.

The AP has seven (7) parts:

* Part I: Transmittal and Approval Form
* Part II: Summary Sheet
* Part III: Project Considerations and Information
* Part IV: Clearance/Approval Checklist
* Part V: Acquisition Milestone Schedule
* Part VI: Independent Government Cost Estimate
* Part VII: Attachments

Writers and reviewers will: (1) Eliminate vague and ambiguous language; (2) Conduct a thorough review of the technical aspects of the Statement of Work/Specification; (3) Structure the project in phases or tasks, as appropriate; (4) Specify methods to assess the contractor’s performance; and (5) Determine that a contract (as opposed to a grant, cooperative agreement, etc.) is the best mechanism to satisfy the principal purpose of the project.

The table below specifies the mandatory titles, headings, narrative, and permissible modifications to the Parts of this AP.

# AP Requirements and Permissible Modifications

**AP Requirements and Permissible Modifications**

**“Part I – Transmittal and Approval Form”.**

1. “HHS Acquisition Plan” subtitle. (Permissible Modification: An OPDIV may add its name/acronym to the title.)

 2. “Project Title” heading. (Permissible Modification: An OPDIV may add an identification number, such as the Request for Proposal (RFP), requisition, or other number.)

3. Signature and date by the PO and PO’s Supervisor, Funds Certifying Official’s certification, including signature and date; signature and date by the Head of the sponsoring program office, and CO. (Permissible Modification: An OPDIV may add other signatures.)

**“Part II – Summary Sheet.”**

All 14 information items with accompanying checkboxes and fill-ins. (Permissible Modification: An OPDIV may include additional items, in accordance with OPDIV procedures.)

**“Part III – Project Considerations and Information.”**

All **bold** paragraph/subparagraph headings, in the order specified. Items that do not apply to the planned acquisition must be labeled “N/A.”

**“Part IV – Clearance/Approval Checklist.”**

All **bold** clearance titles, in the order specified, with accompanying checkboxes. (Permissible Modification: An OPDIV may add pre-award clearances/approvals beyond those specified.)

**“Part V – Acquisition Milestone Schedule.”**

1. The **bold** table column headings.

2. The steps in Federal Acquisition Regulation (FAR) 7.105(b), all of which must have been addressed in other parts of the AP or included as a milestone. The schedule shall also include a milestone indicating when the PO will provide the AP to the CCO or designee. (Permissible Modification: An OPDIV may specify additional milestones, tailored to the specific acquisition.

3. Signature and date by the PO, Alternate PO (if applicable), CS, and CO. (Permissible Modification: An OPDIV may require additional signatures based upon the dollar amount or type of acquisition.)

**“Part VI – Independent Government Cost Estimate”.**

1. All direct, indirect, and profit/fee cost/price factors, as applicable, including separate estimates for all performance increments, such as option periods.

**“Part VII – Attachments.”**

Complete each part of the AP according to its instructions, including and referencing attachments, if any. The instructions (including those in footnotes) appear in “red Italic” but may be changed to a different color (e.g., blue bold) and may be included in or deleted from the final AP. Footnotes may be included in or omitted from the final AP, at an OPDIV’s discretion. Do not include these introductory pages (i.e., the Purpose and the Requirements and Responsibilities sections) in the AP. The completed AP should begin with the Part I Transmittal and Approval Form.

# HHS Acquisition Plan

# Part I – Transmittal and Approval Form

**HHS Acquisition Plan**

**Part I – Transmittal and Approval Form**

Complete all information as follows and provide the completed form as Part I of the AP.

**To:** Insert the name of the CCO or designee and his/her organization’s name.

**From:** Insert the name of the Head of the Sponsoring Program Office for the project (typically a Division Director or equivalent), his/her title, and organization name.

**Project Title:** Insert the full title of the proposed project as it should appear in the solicitation.

This document transmits the required Acquisition Plan (AP)[[6]](#footnote-6) for the proposed solicitation and award of the above-referenced project. This AP consists of:

* Part I: Transmittal and Approval Form
* Part II: Summary Sheet
* Part III: Project Considerations and Information
* Part IV: Clearance/Approval Checklist
* Part V: Acquisition Milestone Schedule
* Part VI: Independent Government Cost Estimate
* Part VII: Attachments

Funds Certifying Official’s Certification[[7]](#footnote-7): (Select One. To select an item, double click on the appropriate box and select the default value “Checked.” Please annotate under the signature blocks[[8]](#footnote-8) if funding is no-year or two-year.)

I hereby certify that (a) this requirement represents a bona fide need of the fiscal year or years for which the appropriation was made and complies with the Anti-deficiency Act[[9]](#footnote-9); and (b) funds are committed for the entire performance period of this acquisition.

I hereby certify that (a) this requirement represents a bona fide need of the fiscal year or years for which the appropriation was made and complies with the Anti-deficiency Act10; and (b) funds are committed for the base period or first increment of performance of this acquisition[[10]](#footnote-10).

This acquisition will use the multi-year contracting procedures authorized in FAR Subpart 17.1 and HHSAR Subpart 317.1. I hereby certify that (a) this requirement represents a bona fide need in the fiscal year or years for which the appropriation was made and complies with the Anti-Deficiency Act10; and (b) funds are committed for the first year of performance plus the estimated amount of the full cancellation ceiling.

Funds are not currently committed for this acquisition[[11]](#footnote-11).

|  |  |  |  |
| --- | --- | --- | --- |
|  | **NAME & TITLE** | **SIGNATURE** | **DATE** |
| Funds Certifying Official |  |  |  |

Services Certification: (To select an item, double click on the appropriate box and select the default value “Checked.”)

This acquisition plan does not cover the acquisition of services, solely or in combination with the acquisition of supplies.

This acquisition plan is for the acquisition of services. I hereby certify that this service requirement:

Is for an inherently governmental function[[12]](#footnote-12): (This determination was made after an analysis was conducted in accordance with Section 5-2(a) of OFPP Policy Letter 11-01.) yes  no. (If yes, please do not proceed with this acquisition plan.

Is closely associated[[13]](#footnote-13) with an inherently governmental function:  yes  no. (Please indicate your rationale for selecting either “yes” or “no.”)

Is for a critical[[14]](#footnote-14) governmental function:  yes  no. (Please indicate your rationale for selecting either “yes” or “no.”)

|  |  |  |  |
| --- | --- | --- | --- |
|  | **NAME & TITLE** | **SIGNATURE** | **DATE** |
| Project Officer (PO) |  |  |  |
| PO’s Immediate  Supervisor |  |  |  |

Signature by the Head of the sponsoring Program Office and the Contracting Officer verifies that the AP has been reviewed and certifies that the AP provides all required information in the prescribed format.

|  |  |  |  |
| --- | --- | --- | --- |
| **OFFICIAL** | **NAME & TITLE** | **SIGNATURE** | **DATE** |
| Head of the Sponsoring Program Office |  |  |  |
| Contracting Officer |  |  |  |

# HHS Acquisition Plan

# Part II – Summary Sheet

**HHS Acquisition Plan**

**Part II – Summary Sheet[[15]](#footnote-15)**

Complete all items below and provide the completed form as Part II of the AP. The items are self-explanatory and provide a summary of the major aspects of the proposed acquisition.

1. Requirement type: (Select one or more.)

Supplies/equipment (including IT equipment)

Research & Development (R&D)

Construction

Severable services[[16]](#footnote-16)  Nonseverable[[17]](#footnote-17) services

Non-R&D Support services

R&D support services

Design-build

Architect-Engineer (A & E) services

Information technology (IT) support services

Other services (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Describe briefly the supplies/equipment, services, or both to be acquired[[18]](#footnote-18).\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Proposed acquisition funding approach

Base plus option  quantity(s)  period(s)

Base only

Multi-year contract under FAR17.1/HHSAR 317.1

Incremental funding of contract for severable services

4. Estimate current-year funding to be obligated for this action[[19]](#footnote-19). $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. Will the proposed action be  competitive or  noncompetitive[[20]](#footnote-20)?

6. If this is a competitive acquisition, can it be set aside?  Yes  No (If yes, indicate set-aside type):

8(a)

HUBZone

Service-disabled veteran-owned small business

Small business

Women-Owned Small Business[[21]](#footnote-21)

7. If this is a non-competitive acquisition, indicate proposed source(s). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Does unusual and compelling urgency (or other special circumstance) require expedited contracting methods? Yes[[22]](#footnote-22)  No

9. Proposed Action is a:

New requirement

Follow-on

Other (specify):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

10. Proposed solicitation type and acquisition method:

Request for proposal:  Competitive Noncompetitive

Request for quotation:  Competitive Noncompetitive

Task/delivery order[[23]](#footnote-23)\_\_\_\_\_\_\_\_\_\_  Competitive  Noncompetitive

Commercial item acquisition  Competitive Noncompetitive

Broad agency announcement

Sealed bid

Other (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

11. Proposed contract type: (check all that apply)

Firm-fixed-price

Other fixed-price (specify fixed-price w/economic price adjustment, fixed-price-incentive, etc.): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cost-plus-fixed-fee

Other cost-reimbursement (specify cost sharing, cost-plus-incentive-fee, etc.): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time-and-materials (including Labor Hour)

Indefinite-delivery (specify whether indefinite quantity, definite-quantity, or requirements):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other (specify):­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completion form  Term Form

12. Will the acquisition use a performance-based approach[[24]](#footnote-24)?  Yes  No (If no, provide the rationale – see Part III(a)(1)(c), SOW, of the AP.)

13. Estimated number of awards: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

14. Estimated start date(s): \_\_\_\_\_\_\_\_\_\_\_\_ Completion date(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# HHS Acquisition Plan

# Part III – Project Considerations and Information

**HHS Acquisition Plan**

**Part III – Project Considerations and Information**

Complete all information below and provide the completed form as Part III of the AP[[25]](#footnote-25).

(a) **Acquisition Background and Objectives.**

1. **Statement of Need.**

a. **Project Purpose, Feasible Alternatives, and Related Projects**. Briefly describe the purpose of, and need for, the proposed requirement. In addition, discuss the following items:

1. **Acquisition Alternatives**. Discuss acquisition alternatives considered and the impact of prior acquisitions as they relate to the alternatives considered.

Discuss the potential for using HHS’ Strategic Sourcing Contract portfolio at <http://intranet.hhs.gov/ssc/>, the National Institutes of Health’s Technology Assessment and Acquisition Center (NITAAC)’s government-wide acquisition contracts (GWAC), other indefinite-delivery contracts, or Federal Supply Schedules to acquire the required supplies/services

OPDIV requesting organizations which intend to use another federal agency (servicing organization) to process an acquisition (assisted contracting) under the authority of the Economy Act must comply with the requirements specified in FAR 17.5 and HHSAR 317.503 and 317.70. All other multi- or intra-agency contract awards, including those involving direct ordering by the requesting organization or assisted contracting by another federal agency, under the authority of the Clinger-Cohen Act[[26]](#footnote-26), the Government Management Reform Act[[27]](#footnote-27), etc., must comply with HHSAR 317.70, if applicable to the proposed acquisition.[[28]](#footnote-28)

2. **Independent Risk Analysis Services**: The Contracting Officer must receive approval[[29]](#footnote-29) before contracting for independent risk analysis services from other than a General Services Administration (GSA) Blanket Purchase Agreement (BPA) holder.

3. **Related Projects**. Discuss known related projects/in-house efforts, including those by other HHS OPDIVs or other federal agencies (whether past, current, or planned) and actions taken to avoid duplication of effort. Justify any project overlap.

4. **Capital Investments**. If the project is part of an IT investment or major construction/facilities investment, include both the associated HHS business case, reviewed and approved by an appropriate governance structure, and the supporting acquisition strategy.[[30]](#footnote-30)

b. **Background Statement**. Provide a brief factual summary of the history of the requirement, including any legislative history. Discuss the scientific/technical context of the requirement and provide relevant prior acquisition information, including names of previous/incumbent contractor(s), periods of performance, contract numbers, and performance problems. The background statement should normally not exceed one page in length.

c. **SOW[[31]](#footnote-31)**. Attach a SOW in Part VII of the AP. The SOW must: be comprehensive, include the information necessary for prospective offerors to provide meaningful proposals, and be consistent with FAR 11.000 and HHSAR 307.7108.

1. **Introduction/Background**. Building, in part, on the Background Statement above, provide a brief introduction which places the requirement in a historical or scientific context. The Introduction/Background should be no more than 10 lines.[[32]](#footnote-32)

2.   **References**. List all reference materials by title, description, and date. List only reference materials which will be attached to the solicitation, which will be available from publicly-accessible websites or public libraries, or which will be available to any potential offeror on request. Reference materials include manuals, test data, drawings, articles, and study reports that will be made available to assist prospective offerors in preparing their proposals or the contractor for use in performance of the contract.

Indicate whether this material is currently available or when it will be available. The PO is responsible for securing space to establish a reading room where offerors may view the materials, if they are too bulky or sensitive to include with the solicitation. The PO is responsible for control of this information and must keep a log as to who views the material. Copies can be made of the material that an offeror requests, but no original information may be taken from the reading room.

3.   **Scope and Requirements**: Describe briefly the scope of the work to be performed or the items to be delivered.

For traditional statements of work, follow the scope with a list of tasks to be performed, including associated deliverables or supplies/equipment to be delivered. For statements of objective (SOO) and performance work statements (PWS) include a list of objectives the contractor must satisfy. Break complex tasks or objectives into smaller parts. Reference detailed technical descriptions, histories, etc. See paragraph 2, above.

For SOOs and PWSs, describe the criteria which will determine satisfaction of the Government’s objectives. For each requirement, specify a performance period or delivery date and a place of performance[[33]](#footnote-33) Specify where deliverables—supplies, documentation, etc.—should be delivered.

Specify the technical and special reports/deliverables required (such as Earned Value Management System (EVMS) reports). Deliverables may be integrated into SOW requirements or may comprise a separate section of the SOW. Every deliverable must be associated with a task or item of supply. Reporting requirements should be comprehensive and tailored to the acquisition but not unnecessarily lengthy or detailed.

4. **Deliverables**: Specify to whom deliverables should be delivered and their required formats, e.g., via email with attachments in Word or Excel 2007 or earlier compatible version, delivered electronically to the COTR. Minimize paper deliverables.

If descriptions of required deliverables were not integrated into tasks or items of supply, list and describe the deliverables here, referencing the associated task(s) or items of supply.

5**. Other**: In accordance with Homeland Security Presidential Directive (HSPD)-12, if the proposed acquisition involves contractor access to HHS-controlled facilities, information technology systems, or sensitive data, or any combination thereof, add a security section to the SOW[[34]](#footnote-34).

Specify appropriate records management requirements for inclusion in the SOW, in accordance with HHS/OCIO’s policy on records management at <http://www.hhs.gov/ocio/policy/2007-0004.001.html>.

If the requirement involves the acquisition of IT products or services:

(1) Indicate whether Section 508[[35]](#footnote-35) applies. If Section 508 applies, the SOW must include a list of applicable Section 508 accessibility standards from the United States Access Board (36 CFR Part 1194)[[36]](#footnote-36). Specify whether the contractor will be required to provide an HHS Section 508 Annual Report.

(2) Include required HHS EPLC artifacts and Stage Gate Reviews (<http://www.hhs.gov/ocio/eplc/index.html>) in the References section (C2, above) of the SOW and specify how and to what extent they apply, i.e., EPLC-specific requirements. Specify EPLC-specific deliverables in C4, Deliverables, above. (3) For IT acquisitions using Internet Protocol, discuss whether the requirements documents include the Internet Protocol compliance requirements specified in FAR 11.002(g). (4) Indicate whether HHS, Office of the Chief Information Officer (OCIO) standards for security configurations and encryption language apply. If one or both apply, include it (them) in the References section (C2, above) of the SOW. Each standard requires a waiver if it does not apply[[37]](#footnote-37). Attach the signed waiver(s) in Part VII, Attachments.

(2) **Applicable Conditions**.

a. **Compatibility**. Discuss any compatibility requirements with future or existing systems/programs.

b. **Constraints**. Discuss the known cost, schedule, and capability/performance constraints.

(3) **Cost**.

a. **Independent Government Cost Estimate**. See Part VI of the AP. b. **Cost Concepts to be employed**. Discuss the applicability of life-cycle cost, design-to-cost, and application of should-cost techniques [see FAR 7.105(a)(3)]. For capital investments, include or reference the applicable portion of the current HHS business case.

(4) **Delivery or Performance-period Requirements**. Specify the period of performance required for total performance and, if applicable, the estimated duration of each phase[[38]](#footnote-38) indicated in the SOW. Describe the basis for establishing the contract delivery or performance schedule[[39]](#footnote-39) Describe any urgency issues that impact delivery/performance requirements. For a construction acquisition, indicate whether the requirement is for construction management services or involves the acquisition of construction manager-at-risk services.

(5) **Trade-offs**. Discuss the trade-offs among the various cost, capability/ performance, and schedule goals. For IT investments, include or reference the applicable portion of the alternatives analysis section of the required HHS EPLC business case. For major construction/facilities capital investments, include or reference the applicable portion of the current HHS business case.

(6) **Risks**. Discuss the technical, cost, and schedule risks that may affect the ability to accomplish project objectives and what efforts are planned to minimize or reduce them. Examples of technical risks include the exposure to natural or human-induced hazards, animal colony outbreaks of disease, etc. For IT investments, provide the HHS EPLC Risk Management Plan. For major construction/facilities capital investments, include or reference the applicable portion of the current HHS business case.

(b) **Plan of Action**.

(1) **Funding.**

a. Discuss the contract funding approach. Please note that contracts for nonseverable services must be either multi-year (See FAR 17.1 and HHSAR 317.1) or fully funded at award. See Part III (b)(7)(f), Severability of Services. b. For contracts that are not fully funded at the time of award, e.g., incrementally funded contracts[[40]](#footnote-40) or multi-year contracts[[41]](#footnote-41), estimate contract obligations below. If increments are other than annual, specify their duration(s).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year 1** | **Year 2** | **Year 3** | **Year 4** | **Year 5** | **Total** |
| Months: | Months: | Months: | Months: | Months: | Months: |
| $ | $ | $ | $ | $ | $ |

c. If options are to be included, discuss their use, including quantities or time periods of the options, and explain the method to be used to evaluate options[[42]](#footnote-42). If needed, provide a separate breakout below for the estimated length of option periods or the dollar amount of option quantities.

|  |  |  |
| --- | --- | --- |
| **Options** | **Quantity/Time Period** | **Totals** |
|  |  | $ |
|  |  | $ |
|  |  | $ |
|  |  | $ |

d. Identify accounting and appropriation data below.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(2) **Sources**. Provide a list of sources that may have the requisite capabilities to satisfy the requirement.

a. **Required Sources**. Discuss the potential applicability and use of required Government sources, such as Federal Prison Industries, Inc. (UNICOR) and AbilityOne participating nonprofit agencies, to satisfy the requirement[[43]](#footnote-43).

b. **Market Research**. Describe any market research performed, such as a sources-sought notice or request for information[[44]](#footnote-44) to identify: (i) prospective sources in addition to known sources; and (ii) set-aside possibilities[[45]](#footnote-45) [e.g., women-owned, small disadvantaged, and veteran-owned small businesses, 8(a); HUBZone; service-disabled veteran-owned small business; or small business (see FAR Part 19)]. Address the extent and results of the market research and indicate their impact on various elements of the AP.

c. **Federal Business Opportunities (FedBizOpps).** Attach draft(s) of all applicable FedBizOpps notices, in Part VII of the AP:

1. a synopsis of the proposed contract action[[46]](#footnote-46) unless one of the exceptions in FAR 5.202 applies;

2. a “small business sources sought” notice[[47]](#footnote-47) in the event the requirement is not recommended for a set-aside;

3. a notice to support the justifications in Part III(b)(3) for limiting competition[[48]](#footnote-48).

d. **Bundling Determination[[49]](#footnote-49)**. In accordance with FAR 7.105(b)(1), when the proposed acquisition strategy involves bundling, identify the incumbent contractors and contracts affected by the bundling. Review and approval of this AP certifies that the following information is correct for this acquisition: (check the applicable box)

Not applicable – the estimated acquisition value is below $2 million [FAR 7.104(d)(2)(i)(C)].

Not applicable – while the estimated acquisition value is over $2 million, this requirement is not a result of bundling.

Not applicable – while the estimated acquisition value is over $2 million and is a result of bundling, no small businesses are affected. Provide information required in accordance with FAR 7.105(b)(1).

Not applicable – while the estimated acquisition value is over $2 million and is a result of bundling, the contract or order is entirely reserved or set-aside for small businesses [FAR 7.104(d)(1)]. Provide information required in accordance with FAR 7.105(b)(1).

Applicable – the estimated acquisition value is over $2 million, the requirement is a result of bundling, and small businesses are affected. Attach the justification, reviewed and approved by the cognizant OSDBU SBS. Provide information required in accordance with FAR 7.105(b)(1) and all information required by FAR 7.107.

(3) **Competition**. Describe plans for competition, including but not limited to, major components or subsystems, and how subcontract competition will be sought and promoted. Discuss the need for issuing draft solicitations and conducting pre-solicitation/pre-proposal conferences. Address the following item, if applicable:

**Justification for Other than Full and Open Competition/Limited Source Justification**[[50]](#footnote-50). For a proposed non-competitive acquisition, attach[[51]](#footnote-51) a Justification for Other than Full and Open Competition (JOFOC)[[52]](#footnote-52) or, for orders placed under FSS contracts, a Limited Source Justification (LSJ)[[53]](#footnote-53) in Part VII of the AP.

(4) **Source-selection Procedures**[[54]](#footnote-54). Discuss the source selection procedures for the acquisition.

(5) **Proposal Evaluation Criteria.** Attach suggested evaluation criteria, including proposed weights or order of importance as a document in Part VII, Attachments.

a.**Technical Evaluation Criteria**. Technical evaluation factors may include, but are not limited to, understanding of the problem, technical approach, experience, personnel, and facilities.

For a design-build source selection, provide the proposed Phase I and Phase II evaluation criteria. For a design source selection, provide the proposed initial selection evaluation criteria and final selection (interview) evaluation criteria. Also, if applicable, indicate whether there will be a design competition and the factors that will be used.

If the proposed requirement involves the acquisition of EIT products or services that are subject to Section 508, specify the technical evaluation factor that will be used to evaluate products or services offered.

b.  **Mandatory Criteria**. List any mandatory qualification criteria, e.g., ownership of a license or patent, geographic restrictions, certifications/ accreditations, or special standards for contractor responsibility under FAR 9.104-2). Since such factors limit competition, justify requiring them.

c. **Cost/Price Significance.** Cost or price must be one of the evaluation factors. Indicate the relative importance cost/price should have in the award decision.

d. **Past Performance**. Include past performance as one of the evaluation factors, in accordance with FAR 15.304[[55]](#footnote-55).

e. **Small Business Subcontracting and Small Disadvantaged Business (SDB) Participation Plans**. If applicable, describe how these plans will be evaluated. If not applicable, state why[[56]](#footnote-56).

f**. Evaluation Strategy.**

1. **Technical Evaluation Panel**[[57]](#footnote-57). Provide names, addresses (including e-mail), and telephone numbers of suggested technical evaluation panel members, specifying whether they are federal or non-federal; or identify the standing board/panel that will evaluate proposals. If panel members will be non-federal[[58]](#footnote-58), rather than staff within the agency or from another federal agency, explain why[[59]](#footnote-59).

2. **Earned-Value Management**. When an EVMS is required[[60]](#footnote-60) and a pre-award Integrated Baseline Review (IBR) is contemplated, discuss: (i) how the pre-award IBR will be considered in the source selection decision; (ii) how it will be conducted; and (iii) whether offerors will be compensated for the costs of participating in a pre-award IBR.

3.   **Peer Review**. Discuss the applicability of peer review[[61]](#footnote-61) in the project concept or evaluation stage, explaining whether or not this acquisition involves R&D, R&D support services, or other contracts that may require peer review. Attach a copy of the “concept review” minutes, if applicable, in Part VII of the AP. If the project has been excluded from concept review, or the concept review has been deferred, attach a copy of the basis for the exclusion or deferral.

4.   **Pre-award Site Visits/Surveys**. Discuss the need for pre-award site visits or surveys and their timing.

(6)   **Additional** **Instructions[[62]](#footnote-62)**

1. **Technical Proposal Instructions**. Provide any technical proposal preparation instructions that are unique to the proposed requirement. Such instructions should clarify the solicitation and its requirements for potential offerors, and may request specific information from offerors to demonstrate: (i) their understanding of the solicitation’s requirements; (ii) their capability to accomplish the work; and (iii) their ability to satisfy the technical evaluation criteria.
2. **Business Proposal Instructions**. Provide any business proposal preparation instructions that are unique to the proposed requirement. Typically, these instructions include uniform cost assumptions for all offerors to address in their business proposals. Items covered may include meetings and their location; specifics regarding contractor-provided training; services/supplies/equipment to be procured by the contractor; etc.

(7) **Acquisition Considerations and Special Requirements**. Discuss the following items, as applicable:

a. **Solicitation Method**. Provide the rationale for recommending sealed bidding[[63]](#footnote-63) or a negotiated acquisition[[64]](#footnote-64).

b. **Type of Contract.** Justify proposing any contract type other than firm-fixed-price[[65]](#footnote-65). Award fee contracts must have an award fee plan. The plan must identify how the award-fee evaluation criteria are linked to acquisition objectives which shall be defined in terms of cost, schedule, and technical performance[[66]](#footnote-66). Award fee contracts require preparation and approval of a D & F[[67]](#footnote-67).

c.   **Phasing**. Discuss the division of the requirement into discrete tasks or stages of accomplishment/phases[[68]](#footnote-68), including the use of modular contracting for acquisition of IT[[69]](#footnote-69).

d. **Task Orders**. Discuss the use of task orders and why they are appropriate for the requirement.

e. **Severability of Services**. If services will be acquired, explain whether they are severable or nonseverable[[70]](#footnote-70).

f.  **Subcontractors**. Discuss the need for, and the use of, subcontractors, if known, to satisfy the requirement.

g. **Place of Performance**. Indicate whether a specific place of performance is necessary for accomplishment of the requirement. The Government may not unreasonably restrict place of performance[[71]](#footnote-71).

h.   **Special Clauses**. Indicate whether any special contract clauses or FAR/HHSAR deviations are required[[72]](#footnote-72).

i.   **Special Factors**. Indicate whether special laws, regulations, or other factors may restrict or affect the proposed acquisition. If any of the following apply, include a statement about their applicability in Part 5 of the SOW. Examples include:

1. **Commercial Items/Services**. Discuss whether commercial items or non-developmental items are available to meet the Government’s needs or could be modified to meet the requirement[[73]](#footnote-73). Include in the discussion whether: (i) there are any Section 508 accessibility standards issues or concerns with any EIT products or services to be acquired, including EIT deliverables such as electronic documents and reports; and (ii) those issues/concerns preclude acquisition of commercial items[[74]](#footnote-74).

2. **Buy American Act**. If the intended acquisition is for construction or supplies to be used in the United States, the provisions of the Buy American Act apply[[75]](#footnote-75). Include a statement in the AP as to the Act’s applicability.

3. **Trade Agreements[[76]](#footnote-76)**. Trade agreements may offer relief from the restrictions of the Buy American Act. Include a statement in the AP as to their applicability.

4. **Health Insurance Portability and Accountability Act (HIPAA**). HIPAA may apply to certain health services research or clinical research. Include a statement as to the applicability of HIPAA[[77]](#footnote-77).

5. **Security of Government Facilities, Information, and Information Systems**.

(i) **HSPD-12**. Include a statement about the applicability of HSPD-12, which is designed to enhance security by controlling physical access to HHS-controlled facilities or access to HHS-controlled information systems. Consult with the OPDIV Personnel Security Officer, Information Security Officer, or Building Security Officer, as appropriate, to determine appropriate security requirements and to adjust project requirements to minimize security and access issues, if the contractor will have access to HHS controlled facilities or information systems, including sensitive data/information[[78]](#footnote-78).

(ii) **Privacy Act**. In consultation with the OPDIV’s Privacy Act Coordinator and the Office of the General Counsel, determine whether any information or information system that the contractor will design, develop, maintain, use, or operate is subject to the Privacy Act or is otherwise considered sensitive. Consider what protections will be required. Provide a copy of the most recent system notice as part of the AP[[79]](#footnote-79). Also, indicate whether the intended acquisition will comply with the HHS OCIO Policy on Privacy Impact Assessments, available at: <http://www.hhs.gov/ocio/policy/index.html>.

(iii) **Federal Information Security Management Act (FISMA).** Discuss the applicability of FISMA[[80]](#footnote-80) to the proposed acquisition[[81]](#footnote-81). Indicate how the anticipated contract will require the contractor to protect federal information and federal information systems in order to ensure their integrity, confidentiality, and availability, including whether the contractor will be required to develop after award an IT Security Plan and related security assessments[[82]](#footnote-82). Consult with the OPDIV Information Security Officer, as necessary. Also, indicate whether the intended acquisition complies with the HHS OCIO Policy for Enterprise Architecture, available at: <http://www.hhs.gov/ocio/policy/index.html>.

(iv) **Contractor Access to Sensitive Information.** Discuss plans to: (1) use non-disclosure agreements as a condition of contractor access to sensitive information; and (2) establish requirements for contractors to notify contracting officers promptly of unauthorized disclosure and misuse of sensitive information.

6. **Classified Information**. Indicate whether the contractor will require access to classified information in the performance of the contract. If so, specify how adequate security will be established, maintained, and monitored for classified data and matters.

7. **Capital Investments**.

(i) **IT Investments.** For proposed IT acquisitions, discuss how HHS will meet the capital planning and investment control requirements of 40 U.S.C. 11312, OMB Circular A-130, and HHS[[83]](#footnote-83) and how the acquisition benefits the Government[[84]](#footnote-84). For IT investments, identify the assessments to be performed and include or reference the Security and Privacy artifacts required by the HHS EPLC. Also, indicate how the planning, management, and oversight of the intended acquisition will comply with the HHS OCIO Policy for IT Enterprise Performance Life Cycle[[85]](#footnote-85), including how the project will be reviewed by the appropriate IT governance organization.

(ii) **Construction/Facilities Investments**. For proposed Construction/Facilities acquisitions, discuss how HHS will meet the capital planning and investment control requirements of HHS/ASA’s [Facilities Program Manual](http://www.hhs.gov/asa/ofmp/vol1.html).

8. **Research Involving Human Subjects**. Discuss the potential for use of human subjects and whether their use is considered exempt or non-exempt[[86]](#footnote-86).

9. **Research Involving Animals**. Discuss the potential for use of live, vertebrate animals in research, experimentation, biological testing, or related efforts (see Public Health Service Policy on Humane Care and Use of Laboratory Animals and HHSAR 370.4).

10. **Paperwork Reduction Act**. Discuss whether the intended acquisition involves the collection of information from 10 or more non-federal persons as part of a survey or information collection[[87]](#footnote-87).

11. **Printing**. Discuss whether the intended acquisition involves printing or high-volume duplicating, subject to authorization by the Joint Committee on Printing (JCP) of the United States Congress or if it meets any of the three exemptions under Title III of the Government Printing and Binding Regulations[[88]](#footnote-88).

12. **Section 508** **Accessibility Compliance**. Provide a description and state the purpose of all EIT to be developed, acquired, maintained, or used under this proposed acquisition. Discuss, in terms of the “EIT Accessibility Standards”[[89]](#footnote-89), how accessibility for all federal employees and public users with disabilities will be ensured, including how forms and other proprietary format files, e.g., Adobe Portable Document Format (.pdf), Microsoft Office PowerPoint (.ppt), and Microsoft Excel (.xls)], will be made accessible. Discuss the evaluation, acceptance, and quality assurance criteria to be used for this acquisition[[90]](#footnote-90). Explain any exceptions[[91]](#footnote-91) that may apply and the specific accessibility standard(s) in 36 CFR part 1194 that qualify for an exception. Attach appropriate documentation supporting any exceptions – i.e., approval by the OPDIV/OS Section 508 Official or designee.

Discuss whether the intended acquisition involves the production of audiovisual materials, publications, or public affairs services[[92]](#footnote-92). Identify HHS section 508 requirements (<http://508.hhs.gov>) for making all files, including captioning, audio descriptions, videos, tables, graphics/pictures, registration forms, presentations (both audio and video) or other types of proprietary format files, e.g., Adobe Portable Document Format (.pdf), Microsoft Office PowerPoint (.ppt) and Microsoft Excel (.xls)], 508-compliant.

13. **Service Contract Act**. If the principal purpose of the intended acquisition is to furnish services in the United States through the use of service employees, the provisions of the Service Contract Act may apply[[93]](#footnote-93). Include a statement as to the Act’s applicability.

14. **Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act**. Indicate whether, pursuant to the Homeland Security Act of 2002[[94]](#footnote-94) and the SAFETY Act of 2002, the proposed acquisition involves the development and use of anti-terrorism technologies that will enhance the protection of the nation. If the Acts apply, include a statement as to whether the technology to be acquired is appropriate for SAFETY Act protections[[95]](#footnote-95).

15. **Selection of Conference Sites**. In accordance with the HHS Travel Manual, OPDIVs are encouraged to schedule meetings and conferences in a jurisdiction, i.e., a state, city, town, or county that has adopted a comprehensive smoke-free policy. However, this policy may not be used in a manner inconsistent with the Competition in Contracting Act of 1984, Public Law 98-369, or any applicable regulation, such as the Federal Travel Regulations. Consult with the OPDIV’s Travel Management Coordinator, as necessary. A list of smoke-free jurisdictions can be accessed at: [NCI Smoke-Free Meetings Policy](http://dccps.cancer.gov/tcrb/smokefreemeetingpolicy.html).

16. **Environmental and Energy Conservation Objectives /Recovered Materials**. Describe the use of environmentally preferable and energy-efficient products or services, environmental assessments, or environmental/energy issues and their impact[[96]](#footnote-96). Discuss acquisition of products containing recovered materials[[97]](#footnote-97), including the special requirements for printing and writing paper[[98]](#footnote-98). If applicable, provide a justification for not buying Environmental Protection Agency-designated recycled content and environmentally preferable and energy-efficient products and services as an attachment to the AP[[99]](#footnote-99).

17.   **Travel**. Discuss any travel requirements.

18. **Shipping/Packaging**. Discuss any special shipping or packaging requirements.

19. **Purchase or Lease of Equipment**. Discuss comparative costs and other factors that led to the purchase or lease decision[[100]](#footnote-100).

20. **Metric Measurement**. Discuss the applicability of the metric measurement system to the requirement[[101]](#footnote-101).

(8) **Post-Award Administration and Monitoring**. Discuss procedures, if any, for monitoring the contractor's progress. Propose a candidate COTR. Discuss the need for any specific formal management system[[102]](#footnote-102), test and evaluation program, inspection and acceptance criteria, or quality assurance procedures[[103]](#footnote-103). If EVMS is to be used, discuss how the Government will analyze and use the earned value data to assess and monitor contract performance. Also, specify how the offeror’s/contractor’s EVMS will be verified for compliance with the American National Standards Institute/Electronics Industries Alliance Standard – 748, and the timing (pre- or post-award) and conduct of integrated baseline reviews[[104]](#footnote-104). For capital investments, include or reference the applicable portion of the current HHS business case.

Discuss the need for a post-award conference and site visits during performance. Specify milestones that trigger periodic evaluation of the contractor’s progress (including any required past performance evaluations, in accordance with APM 2009-07). Specify the frequency of performance evaluations, as required by FAR 42.15. If the proposed requirement involves the acquisition of EIT products or services that are subject to Section 508, discuss how delivered products or services will be monitored for compliance with accessibility standards throughout the contract.

(9) **Make or Buy**. Discuss make or buy considerations for negotiated acquisitions in excess of $11.5 million[[105]](#footnote-105).

(10) **Logistics Considerations**.

a. **Warranties**. Discuss planned use of warranties.

b. **Standardization**. Discuss use of standardization concepts for future purchases[[106]](#footnote-106).

c. **Government-Furnished Property**.

1. **Supplying the contractor with GFP/GFE/GFF/GFI**. Identify any Government-furnished property, including materials, facilities, equipment, and information that are to be provided under the contract, either through reimbursed purchase by the contractor or by transfer of existing property. If property will be transferred, provide a list designating the name of the organization that will provide the property and include descriptive information (e.g., description, name, make, model, serial number, condition, and quantity). Consult the OPDIV Property Management Officer, as appropriate, to ensure that the proposed acquisition meets HHS personal property requirements for cannibalization, accountability, sensitivity, reporting, reutilization, and disposal[[107]](#footnote-107).

2. **Accounting for GFP/GFE/GFF/GFI**. Discuss how the contractor will be required to account for and report on any GFP.

(11) **Data Development and Copyrights**.

a. **Data Development**.

1. **Data Rights**. Discuss data to be developed under the proposed acquisition[[108]](#footnote-108), including data to be delivered with limited rights, data where title will not vest in the Government, and anticipated copyrights or patents.

2. **Future Acquisitions**. Indicate whether the data will enable future acquisitions to be competitive and whether another acquisition, based on the data generated by the proposed acquisition, is anticipated.

3. **Disposition**. Specify anticipated replication, disclosure, dissemination, maintenance, disposition, estimated cost, and use of results/data from the contract effort and the user audience.

b. **Specific Copyright Provisions Applicable to Software Development or Enhancement**. (Check all applicable boxes)

No software will be developed, modified, or enhanced under this proposed acquisition.

New software will be developed exclusively under the proposed acquisition.

The Government will require only the normally granted paid-up, world-wide irrevocable, nonexclusive license under this project[[109]](#footnote-109).

The Government will assert special copyright permissions/needs under the acquisition. The specific requirements must be listed below. (Access to source code is an example of a special need.)

Existing software will be modified or enhanced under the proposed acquisition.

c. **Works other than Software Development or Enhancements**. Please describe the government’s interest in any copyright resulting from development of audiovisual and media materials.

# HHS Acquisition Plan

# Part IV – Clearance/Approval Checklist

**HHS Acquisition Plan**

**Part IV – Clearance/Approval Checklist**

Indicate all pre-award clearances/approvals that apply to the project by checking the appropriate blocks. Provide the completed form as Part IV of the AP. Attach the necessary clearance/approval documentation, if available, in Part VII of the AP; otherwise, indicate when the clearance/approval will be provided. A reference(s) for each item is provided below. The CO must ensure that all required pre-award clearances, approvals, and assurances are satisfied at the appropriate stage of the acquisition process. This list may not include all required clearances/approvals for a specific project. Consult the OPDIV CO for further information.

1. **Advisory and Assistance Services for Evaluation of Proposals**. See FAR 37.203(d), 37.204, and HHSAR 315.305(a)(3).

2. **Animal Welfare**. See the Public Health Service Policy on Humane Care and Use of Laboratory Animals, Revised 1986, and HHSAR 370.401.

3. **Contracts with Federal Employees**. See FAR 3.6 and HHSAR 303.6.

4. **Equal Employment Opportunity (EEO) Clearance**. See 41 CFR 60-1.29.

5. **Human Subjects**. See 45 CFR part 46 and HHSAR 370.301.

6. **Project Officer Training**. See HHSAR 301.606.

7. **Program and Project Manager Training**. See HHSAR 301.607.

8**. Public Affairs Services**. See local Public Affairs Office for any applicable clearance requirements (<http://www.hhs.gov/aspa/index.html>).

9. **EIT**. Approval of the OPDIV/OS Section 508 Official or designee is required when claiming an exception to Section 508 of the Rehabilitation Act (see HHS Section 508 policy at <http://508.hhs.gov/>).

10. **International Contract Award Notification**. See <http://dhhs.gov/asfr/og/acquisition/policies/apmemorandumforeignclearance.doc>

11. **Other Clearance(s)**. Specify the type of pre-award clearance/approval required and provide the necessary clearance information as part of the AP, if available; otherwise indicate when the clearance/approval will be provided (e.g., authorization to use appropriated funds to purchase food).

**HHS Acquisition Plan**

**Part V – Acquisition Milestone Schedule**

# HHS Acquisition Plan

# Part V – Acquisition Milestone Schedule

**HHS Acquisition Plan**

**Part V – Acquisition Milestone Schedule**

The Acquisition Milestone Schedule should be realistic and consistent with the requirements of the proposed acquisition. The acquisition milestones specified in the table below are examples which may not apply to every acquisition. The PO, Alternate PO, if applicable, CS, and CO must sign the schedule where provided. The CO/CS must update and revise the schedule, as necessary, to track progress of the acquisition and maintain the schedule as part of the contract file. The milestone schedule signatories must mutually agree to any revisions to the milestone dates that will impact meeting the scheduled award date (see HHSAR 307.7106).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Acquisition Milestone** | **N/A** | **Target Date** | **Revised Date** | **Actual Date** |
| 1. Concept Review Completed |  |  |  |  |
| 2. Acquisition Plan (AP) Approved by CO |  |  |  |  |
| 3. Acquisition Plan Received by CCO or designee |  |  |  |  |
| 4. Market Research Completed |  |  |  |  |
| 5. Small Business Review Completed |  |  |  |  |
| 6. Small Business Bundling Determination Approved |  |  |  |  |
| 7. 8(a) offering letter sent to SBA |  |  |  |  |
| 8. SBA approval of acquisition in the 8(a) program |  |  |  |  |
| 9. Justification for Other than Full and Open Competition (JOFOC)/Limited Source Justification (LSJ) Routed for approval |  |  |  |  |
| 10. JOFOC/LSJ Approved |  |  |  |  |
| 11. Presolicitation Notice Published in FedBizOpps |  |  |  |  |
| 12. Solicitation Issued |  |  |  |  |
| 13. Pre-proposal Conference Held |  |  |  |  |
| 14. Proposals/Quotations/Bids Received |  |  |  |  |
| 15. Initial Technical Review Completed |  |  |  |  |
| 16. Initial Technical Report/Minutes Received |  |  |  |  |
| 17. Competitive Range Determination Completed |  |  |  |  |
| 18. Site Visits/Surveys Completed |  |  |  |  |
| 19. Negotiations Start |  |  |  |  |
| 20. Negotiations Completed |  |  |  |  |
| 21. Final Proposal Revisions Received |  |  |  |  |
| 22. Final Technical Review Completed |  |  |  |  |
| 23. Final Technical Report/Minutes Received |  |  |  |  |
| 24. Source Selection Approved |  |  |  |  |
| 25. DOL EEO Clearance Obtained (over $10M) |  |  |  |  |
| 26. Subcontracting Plan, concurred in by SBS & PCR |  |  |  |  |
| 27. Internal Pre-award Review/Approval Completed |  |  |  |  |
| 28. External Pre-award Review/Approval Completed |  |  |  |  |
| 29. Contract Award Issued |  |  |  |  |
| 30. Post-award Notifications Issued (e.g., Congressional Notification) |  |  |  |  |
| 31. Award Synopsis Published |  |  |  |  |

|  |  |
| --- | --- |
| Project Officer Signature Date | Contract Specialist Signature Date |
| Alternate Project Officer Signature Date | Contracting Officer Signature Date |

# HHS Acquisition Plan

# Part VI – Independent Government Cost Estimate

**HHS Acquisition Plan**

**Part VI – Independent Government Cost Estimate**

The Independent Government Cost Estimate (IGCE)[[110]](#footnote-110) must correspond to the proposed acquisition and is required as Part VI of the AP. Use an IGCE format prescribed by OPDIV procedures.

For major capital investments, ensure that the IGCE is consistent with the budget estimates included in the current HHS business case.

The IGCE assists in analyzing the cost of individual aspects of the overall project and in determining an offeror’s understanding of the solicitation and the reasonableness of an offeror’s proposed costs. Address all applicable information and contributing cost factors for the specific project where required on the prescribed OPDIV form, including, at a minimum, all direct, indirect, and profit/fee cost factors, as applicable, including separate estimates for all performance increments, such as options. Include yearly and project totals.

# HHS Acquisition Plan

# Part VII – Attachments

**HHS Acquisition Plan**

**Part VII – Attachments**

List and include all attachments, including their titles or other identifying information, in Part VII of the AP. Some information, depending on length, may be included in the AP rather than as an attachment. Examples of attachments are listed below.

* Background statement/project history
* Approved Section 508 undue burden or commercial non-availability request
* SOW
* Quality assurance surveillance plan
* Reporting requirements
* Deliverables
* Potential sources and addresses
* JOFOC/LSJ
* Justification for Acceptance of an Unsolicited Proposal
* Justification for not purchasing environmentally preferable products and services and Federal Energy Star® and energy-efficient products form
* Technical evaluation criteria/mandatory criteria
* R & D project concept review minutes
* List of proposed technical evaluators
* Clearance/approval documentation
* List of Government-furnished property
* List of Government-furnished information/reference materials
* Additional technical proposal instructions
* Additional business proposal instructions
* Draft FedBizOpps notice(s)
* Waiver from OCIO standard for IT Security Configuration[[111]](#footnote-111)
* Waiver from OCIO standard for IT encryption language[[112]](#footnote-112)
* Approval[[113]](#footnote-113) to contract for independent risk analysis services from other than a General Services Administration (GSA) Blanket Purchase Agreement (BPA) holder.

1. Updated through Federal Acquisition Circular 2005-45, August 30, 2010 [↑](#footnote-ref-1)
2. Contracts, orders, and modifications, hereinafter “contract actions” [↑](#footnote-ref-2)
3. See HHS Acquisition Regulation (HHSAR) 307.7101 for exceptions. [↑](#footnote-ref-3)
4. This AP template refers to both the PO and PM as the PO. The Project Manager’s (PM) planning responsibilities for major or non-major (tactical or supporting) IT or construction/facilities capital investment mirror the PO’s. See HHS CIO Procedures for IT Capital Planning and Investment Control (CPIC) at: <http://www.hhs.gov/ocio/capitalplanning/investmentcontrol/capplaninvcont.html>. [↑](#footnote-ref-4)
5. See HHSAR 307.104(b) and (d) [↑](#footnote-ref-5)
6. In accordance with HHS Acquisition Regulation (HHSAR) Subpart 307.71, Acquisition Plan, and applicable OPDIV guidance [↑](#footnote-ref-6)
7. Regardless of organizational placement, the “funds certifying official” is an individual with authority to certify that funding is available for a particular purpose. [↑](#footnote-ref-7)
8. Signature Blocks” must contain the names, titles, and signatures of the officials who sign the AP, in accordance with the signature requirements, specified in HHSAR 307.7104 and OPDIV policies. The Funds Certifying Official’s signature should precede those of the Head of the Sponsoring Program Office and CO. [↑](#footnote-ref-8)
9. See GAO Redbook at http://www.gao.gov/legal/redbook.html for a discussion of the Bona Fide Needs Rule and severable versus non-severable services (Chapter 5), Anti-Deficiency Act (Chapter 6) and related appropriations limitations. Also see ASFR/OGAPA’s Acquisition Policy Memorandum 2010-01, dated June 28, 2010. Any concerns regarding compliance with federal appropriations requirements should be raised with OPDIV finance/budget officials and Office of General Counsel. [↑](#footnote-ref-9)
10. Funding of a base period applies when the proposed acquisition involves a base period plus options. Funding of the first increment of performance applies when a contract for severable services will be incrementally-funded. [↑](#footnote-ref-10)
11. If funds are not committed at this time, indicate when funds are expected to be committed. [↑](#footnote-ref-11)
12. Inherently governmental functions are so intimately related to the public interest that they must be performed by federal employees. [↑](#footnote-ref-12)
13. Closely associated functions may limit federal officials’ discretion in performing inherently governmental functions. For example, contracting out contract specialist functions might unduly influence a contracting officer’s decision-making. [↑](#footnote-ref-13)
14. A critical function is so important to HHS’ mission and operation that at least a portion of the function must be reserved for HHS employees to ensure that HHS retains sufficient internal capability. [↑](#footnote-ref-14)
15. See completed Part III, Project Considerations and Information, for detailed information about this project. [↑](#footnote-ref-15)
16. A severable service is a recurring service or one that is measured in terms of hours or level of effort rather than work objectives [B-277165, Jan. 10, 2000, at 5; 60 Comp. Gen. 219, 221--22 (1981)]. [↑](#footnote-ref-16)
17. A nonseverable service is one that requires delivery of a specified end product (for example, a final report of research) [65 Comp. Gen. at 743—744]. [↑](#footnote-ref-17)
18. Do not exceed the space provided; do not reference the Statement of Work/Performance Work Statement; and do not use Product or Service Code (PSC) or North American Industry Classification System (NAICS) code descriptions. [↑](#footnote-ref-18)
19. Details of the funding profile should be entered in AP Part III Project Considerations, (b) Plan of Action, (1) Funding. [↑](#footnote-ref-19)
20. If noncompetitive, attach Justification for Other than Full and Open Competition (JOFOC) or Limited Source Justification (LSJ) in Part VII, in accordance with Part III(b)(3). [↑](#footnote-ref-20)
21. We anticipate that OSDBU will implement women-owned set-asides later in FY2011. [↑](#footnote-ref-21)
22. Provide details to support use of expedited contracting in Part III(b)(7). [↑](#footnote-ref-22)
23. Specify whether a task/delivery order will be placed under an indefinite delivery/indefinite quantity (IDIQ) contract, Government-wide Acquisition Contract (GWAC) or Federal Supply Schedule (FSS). [↑](#footnote-ref-23)
24. If over 50% of the work is performance-based, then the entire acquisition is considered performance-based. [↑](#footnote-ref-24)
25. A completed Part III must contain all of the bolded headings in the specified order. Place the AP narrative information directly under the applicable heading where instructions are provided. If a section, subsection, or subparagraph heading that includes instructions does not apply to the proposed acquisition, indicate “not applicable” (N/A) next to the heading. In accordance with OPDIV procedures, the instructions may be included in, or deleted from, the final AP. Include lengthy documents, such as the Statement of Work (SOW), as attachments in Part VII. [↑](#footnote-ref-25)
26. 40 USC 11302(e) [↑](#footnote-ref-26)
27. Public Law 103-356 [↑](#footnote-ref-27)
28. Depending on whether (i) a proposed “assisted acquisition” was approved in an OPDIV’s Annual Acquisition Plan (see HHSAR 307.104) or (ii) in the case of direct ordering, the chosen acquisition vehicle for acquiring the required product or service is a vehicle other than those listed in HHSAR 317.7002(b), a determination and findings (D & F) is required (see HHSAR 317.7003(a) and (b) for specific D & F requirements). [↑](#footnote-ref-28)
29. See HHSAR 339.7001. [↑](#footnote-ref-29)
30. See HHSAR 307.104-70. [↑](#footnote-ref-30)
31. The term SOW includes “Statement of Objectives” (SOO) and “Performance Work Statement” (PWS) throughout this document. To the maximum extent possible, focus on outcomes or results (see FAR 37.6), using a PWS or SOO. Document the rationale if a proposed services acquisition will not use a performance-based approach. Also, if the proposed acquisition will use a performance-based approach, the Government may either prepare quality assurance requirements and a quality assurance surveillance plan or require offerors to submit them for the Government’s consideration in development of the Government’s plan (see FAR 46.4). If appropriate, include performance incentives. See also Part III (b)(4)b., Type of Contract, of the AP regarding use of award fee contracts. [↑](#footnote-ref-31)
32. Longer descriptions may be attached to the SOW as references. [↑](#footnote-ref-32)
33. Alternately, include a statement that the contractor may determine the optimum place of performance. [↑](#footnote-ref-33)
34. See HHSAR 304.13 and also Part III, (b)(4) j.4.(i), HSPD-12, of the AP [↑](#footnote-ref-34)
35. Section 508 of the Rehabilitation Act of 1973 [29 United States Code (U.S.C.) 794(d)], as amended by the Workforce Investment Act of 1998. See Part 4 of the HHS Section 508 Policy at: <http://508.hhs.gov/> and HHSAR 339.203 regarding compliance exceptions.   [↑](#footnote-ref-35)
36. See HHSAR 311.70 and Part III (b)(5), EIT Accessibility Standards, of the AP. [↑](#footnote-ref-36)
37. See HHSAR 339.101 and <http://intranet.hhs.gov/infosec/policies_memos.html>. [↑](#footnote-ref-37)
38. See HHSAR 307.7108. [↑](#footnote-ref-38)
39. See FAR 11.402. See also FAR 17.1 and HHSAR 317.1 for information on the use of multi-year time contracts. [↑](#footnote-ref-39)
40. See FAR 32.7 and HHSAR 332.7. [↑](#footnote-ref-40)
41. See FAR 17.1 and HHSAR 317.1. [↑](#footnote-ref-41)
42. See FAR 17.2 and HHSAR 317.2. [↑](#footnote-ref-42)
43. See FAR 8.6 and 8.7. [↑](#footnote-ref-43)
44. See FAR 5.205 and 10.002; HHSAR 305.205, 310.001, 315.201, and 319.202. HHS requires use of a standard format, available at the Assistant Secretary for Financial Resources/Office of Grants and Acquisition Policy and Accountability/Division of Acquisition (ASFR/OGAPA/DA) website (<http://dhhs.gov/asfr/og/acquisition/policies/attachment_a.html>) for an RFI and various sources-sought notices. Sources cited should include the name of the organization, address, and telephone number. [↑](#footnote-ref-44)
45. Set-aside determinations must be coordinated with the cognizant Office of Small and Disadvantaged Business (OSDBU) Small Business Specialist (SBS) and documented by completion of HHS-Form 653, “Small Business Set-aside Review Form.” Please see footnote #21regarding women-owned set-asides. [↑](#footnote-ref-45)
46. See FAR 5.201 [↑](#footnote-ref-46)
47. See HHSAR 319.202-2. [↑](#footnote-ref-47)
48. See FAR 6.2 and 8.4. [↑](#footnote-ref-48)
49. Contract bundling is the action of consolidating two or more requirements for supplies/services, previously provided or performed under separate smaller contracts, into a solicitation for a single contract for $2 million or more (including options) that is likely to be unsuitable for award to a small business. [↑](#footnote-ref-49)
50. HHS requires standard formats for JOFOCs and LSJs. They are available at the ASFR/OGAPA/DA website [http://dhhs.gov/asfr/og/acquisition/policies/competitionattachcjofoctemplate\_10\_1\_2008.doc]. Also, note that for contracts awarded noncompetitively under unusual and compelling circumstances, the length of the contract is limited to 1 year or less unless waived by the OPDIV head (see FAR 6.302-2). [↑](#footnote-ref-50)
51. Provide either the fully executed JOFOC/LSJ or the version of the JOFOC/LSJ that the program office considers ready for submission through the OPDIV approval/signatory cycle. [↑](#footnote-ref-51)
52. See FAR 6.3 and HHSAR 306.3. Since many JOFOCs must now be posted to FedBizOpps, avoid including contractor proprietary data whenever practicable. [↑](#footnote-ref-52)
53. See FAR 8.405-6 and HHSAR 308.405-6. [↑](#footnote-ref-53)
54. See HHSAR 315.305(a)(3) and FAR 15.3, Source Selection. [↑](#footnote-ref-54)
55. This requirement may be waived if justified in writing by the contracting officer. [↑](#footnote-ref-55)
56. See FAR 19.12. [↑](#footnote-ref-56)
57. At least 50% of the HHS program personnel evaluating proposals as part of a technical evaluation team or panel for a competitive solicitation shall have successfully completed HHS University’s “Contracting Officer’s Technical Representative” course, or an equivalent course, before assuming their designated role [see HHSAR 315.305(a)(3)]. This training requirement does not apply to peer review panel members. [↑](#footnote-ref-57)
58. If non-federal technical proposal evaluators, other than mandatory non-federal peer reviewers will be used to evaluate proposals, identify and address any potential non-federal evaluator (organizational or personal) conflicts of interest, if known. See HHSAR 315.305(a)(3). Otherwise, add a statement that “Conflict of interest certifications will be obtained upon receipt of proposals and finalization of the technical evaluation panel.” [↑](#footnote-ref-58)
59. See FAR 37.203(d), 37.204, and HHSAR 315.305(a)(3). [↑](#footnote-ref-59)
60. See FAR 34.2 and HHSAR 334.2. [↑](#footnote-ref-60)
61. See HHSAR 315.305(a)(3). [↑](#footnote-ref-61)
62. These instructions are in addition to standard solicitation instructions. [↑](#footnote-ref-62)
63. See FAR 6.401 and 14.1. [↑](#footnote-ref-63)
64. See FAR Part 15. [↑](#footnote-ref-64)
65. See FAR 16.1. [↑](#footnote-ref-65)
66. See FAR 16.401(e) and (f). [↑](#footnote-ref-66)
67. See FAR 16.401(d). [↑](#footnote-ref-67)
68. See HHSAR 307.7108. [↑](#footnote-ref-68)
69. See FAR 39.103. [↑](#footnote-ref-69)
70. See also Part II, number 1. A severable service is a recurring service or one that is measured in terms of hours or level of effort rather than work objectives [B-277165, Jan. 10, 2000, at 5; 60 Comp. Gen. 219, 221--22 (1981)]. A nonseverable service is one that requires delivery of a specified end product (for example, a final report of research) [65 Comp. Gen. at 743—744]. [↑](#footnote-ref-70)
71. In accordance with FAR 7.108 and HHSAR 307.108-70, offerors or contractors may determine the place of performance and authorize their employees to telecommute if the government does not specify that performance must be in a particular location or locations. The Project Officer may restrict the place of performance, if justified, for any part of an SOW. Also, if the intended acquisition provides services on a Government site, specify the controls for ensuring that contractor employees will not be subject, directly or indirectly, to Government supervision and direction (see FAR 37.103 and 37.104). [↑](#footnote-ref-71)
72. See HHSAR 301.4. [↑](#footnote-ref-72)
73. see FAR 12.101. [↑](#footnote-ref-73)
74. When commercial services are not offered and sold competitively in substantial quantities in the commercial marketplace, but the services are still viewed as commercial in nature, the offeror must submit sufficient information to evaluate through price analysis the reasonableness of the price (see FAR 15.403-1). [↑](#footnote-ref-74)
75. See FAR 25.100. [↑](#footnote-ref-75)
76. see FAR 25.400. [↑](#footnote-ref-76)
77. See http://www.hhs.gov/ocr/hipaa/ for further information. [↑](#footnote-ref-77)
78. See Part III, (a)(1)(c), SOW, of the AP and HHSAR 304.13. [↑](#footnote-ref-78)
79. See FAR part 24 and HHSAR 324.1. [↑](#footnote-ref-79)
80. 44 U.S.C. 3544 [↑](#footnote-ref-80)
81. FISMA requires agencies to identify and implement information security protections, commensurate with security risks to: federal information collected or maintained for the agency, and information systems used or operated on behalf of an agency by a contractor. [↑](#footnote-ref-81)
82. See FAR 7.103(u), 7.105(b)(17), 39.101, and HHSAR 339.71. [↑](#footnote-ref-82)
83. see HHS OCIO Policy on Capital Planning and Investment Control, available at: http://www.hhs.gov/ocio/policy/index.html [↑](#footnote-ref-83)
84. See FAR 7.103(t) and 39.1. [↑](#footnote-ref-84)
85. Available at: http://www.hhs.gov/ocio/policy/index.html. [↑](#footnote-ref-85)
86. See 45 CFR 46.101(b)(1-6) and HHSAR 370.3. [↑](#footnote-ref-86)
87. See 5 CFR part 1320. [↑](#footnote-ref-87)
88. For NIH, in accordance with 42 USC 284(c)(4), ". . . each Director of a national research institute. . . .(4) may publish, or arrange for the publication of, information with respect to the purpose of the Institute without regard to section 501 of title 44.” [↑](#footnote-ref-88)
89. 36 CFR Part 1194 [↑](#footnote-ref-89)
90. See FAR 39.2. [↑](#footnote-ref-90)
91. See FAR 39.204. [↑](#footnote-ref-91)
92. Please satisfy any clearance requirements under Part IV, item #8 of this AP template. [↑](#footnote-ref-92)
93. See FAR 22.10. [↑](#footnote-ref-93)
94. Pub. L. 107-296 [↑](#footnote-ref-94)
95. See FAR 50.205 for SAFETY Act procedures and requirements. [↑](#footnote-ref-95)
96. See FAR 7.103(n) and 23. See also HHSAR 323.71 regarding “green purchasing” requirements. [↑](#footnote-ref-96)
97. See FAR 11.3 and 23.4. [↑](#footnote-ref-97)
98. See FAR 11.303. If the requirement involves construction, design services or acquisition of materials or supplies; refer to the Energy Independence and Security Act of 2007 (EISA) for environmentally preferred and energy-efficient products and services. Pertinent sections include Title III, Section 323; Title IV, Sections 433-435; and Title V, Sections 513, 524, and 525. [↑](#footnote-ref-98)
99. Use the template and criteria specified in Appendix A of the HHS Affirmative Procurement Plan. [↑](#footnote-ref-99)
100. See FAR 7.4. [↑](#footnote-ref-100)
101. See FAR 7.103(m) and 11.002(b). [↑](#footnote-ref-101)
102. Such as an Earned Value Management System (EVMS) [↑](#footnote-ref-102)
103. See FAR 42.302 and HHSAR 342.7001. [↑](#footnote-ref-103)
104. See FAR 34.202 and HHSAR 334.2. [↑](#footnote-ref-104)
105. See FAR 15.407-2. [↑](#footnote-ref-105)
106. See FAR 7.105(b)(13)(iv). [↑](#footnote-ref-106)
107. See FAR 45.000. [↑](#footnote-ref-107)
108. See FAR 21.1. [↑](#footnote-ref-108)
109. Under the provisions of the Rights in Data—General clause (see FAR 52.227-14), contractors must seek permission to establish a copyright for software and associated data generated under a contract. Permission is normally granted, but the contractor must provide a paid-up, worldwide, irrevocable, nonexclusive license to the Government and to others acting on its behalf. However, the Government may not distribute the software publicly. If deemed appropriate, the OPDIV may require, on a case-by-case basis, that this license have a different scope than defined in the clause. [↑](#footnote-ref-109)
110. For projects where use of the OPDIV-prescribed IGCE and its cost elements are not appropriate, the PO must provide other relevant information on which the estimated total dollar amount is based [see FAR 15.404-1(b)]. [↑](#footnote-ref-110)
111. See HHSAR 339.101 and <http://intranet.hhs.gov/infosec/policies_memos.html>. [↑](#footnote-ref-111)
112. See HHSAR 339.101 and <http://intranet.hhs.gov/infosec/policies_memos.html>. [↑](#footnote-ref-112)
113. See HHSAR 339.7001. [↑](#footnote-ref-113)