

**FISH AND WILDLIFE SERVICE  
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**OVERVIEW**

**4.1 What is the purpose of this chapter?** This chapter establishes overall procedures for the acquisition of supplies and services above the micro-purchase threshold for the U.S. Fish and Wildlife Service (Service).

**4.2 What is the scope of this chapter?** The requirements in this chapter apply to all employees who are involved in acquisitions above the micro-purchase threshold.

**4.3 What are the authorities and responsibilities for this chapter?** See [301 FW 1](#) for a list of the authorities and responsibilities for all the chapters in Part 301.

**ACQUISITION TYPES AND STAGES**

**4.4 What are the different types of acquisitions?** There are three types of acquisitions—micro-purchases, procurements above the micro-purchase threshold where we follow simplified acquisition procedures, and procurements above the micro-purchase threshold where we do not follow simplified acquisition procedures.

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**A. Micro-purchases:** Micro-purchases are those procurements that do not exceed the current micro-purchase threshold (see the [Federal Acquisition Regulation \(FAR\) 2.101](#) to find the latest threshold).

(1) On the publication date of this policy, the micro-purchase threshold is \$3,500, except for acquisitions of services subject to the Service Contract Labor Standards, for which the threshold is \$2,500, and for acquisitions of construction subject to the Wage Rate Requirements, for which the threshold is \$2,000.

(2) This chapter does not cover micro-purchases. The Division of Financial Management issues the policies and procedures for micro-purchases (see Finance, [Parts 260 through 269](#) of the Service Manual or contact your servicing Finance Office).

**B. Procurements above the micro-purchase threshold using Simplified Acquisition Procedures (SAP):** These are the purchases for which we must use the procedures in [FAR Part 13](#). There are two categories of these purchases:

(1) Acquisitions for supplies or services that do not exceed the Simplified Acquisition Threshold (SAT), which is \$150,000 on the publication date of this policy, and

(2) Acquisitions for commercial supplies or services that exceed the SAT but do not exceed \$7 million. See [FAR 2.101](#) for a definition of commercial items.

**C. Procurements that do not use SAP.** There are also two categories of these procurements:

(1) Acquisitions for noncommercial supplies or services that are above the SAT, and

(2) Acquisitions for commercial supplies or services above \$7 million.

**4.5 What are the basic stages and procedures for acquisitions?** Although contracting stages and procedures vary depending on the complexity and type of procurement, there are basically four stages—acquisition planning, solicitation and competition, contract award, and administration and closeout. You can find more detailed information about the requirements for these stages in the Service's [Contracting Officer's \(CO\) Handbook](#) or by asking your Regional Contracting Office. See [section 4.7](#) for information about acquisitions with less than full and open competition.

**A. Acquisition Planning.** Acquisition planning is an essential part of every acquisition. For details about the planning process, see [301 FW 2](#), the [CO Handbook](#), and [FAR Part 7](#).

**B. Solicitation and Competition.** The requirements for publishing a solicitation and competition also vary depending on the type of procurement. All contracts above the micro-purchase threshold require a solicitation and competition unless an exception to competition has been justified and approved (see section 4.7). We must advertise solicitations for proposed contract actions above \$15,000. See [FAR 5.101\(a\)](#) for the specific requirements.

(1) *Publicizing contract actions:* We must publicize certain contracts to:

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- (a) Increase competition,
- (b) Broaden industry participation in meeting Government requirements, and
- (c) Assist specific types of businesses to obtain contracts and subcontracts, such as small businesses, minority-owned businesses, and other businesses that help us to meet our goals to improve socioeconomic conditions when we award them contracts. See [FAR 5.002](#) for details. The Service has statutory goals for small business procurement (see [15 U.S.C. 644](#) and Small Business Administration [Goaling Program](#)) that must be met annually in support of the Small Business Act.

**(2) Evaluation factors for bids and proposals:** For all acquisitions, evaluation factors must be clear, stated in the announcement and the solicitation, and carefully followed.

- (a) *Procurements using SAP:* Evaluation factors must include price; however, the solicitation may also include other factors, such as delivery times or past performance.
- (b) *Procurements not using SAP:* Evaluation factors must include both price and past performance; however, the solicitation may also include other factors, such as technical expertise, corporate experience, and key personnel.

**(3) The technical evaluation committee or source selection board for procurements not using SAP:** For procurements not using SAP, we often use technical evaluation committees and source selection boards to render objective and technically sound assessments of each technical proposal by measuring the proposal against the evaluation criteria in the solicitation. The technical evaluation committee documents these assessments in the technical evaluation committee memorandum. The source selection authority—usually the Contracting Officer (CO)—uses this memorandum when making the source selection decision.

- (a) People who serve on these committees and boards are employees of the Service or other Federal agencies who have knowledge of the primary field(s) of work the contractor will perform under the acquisition.
- (b) If even one person on such a committee or board is not a Federal employee, we must form a Federal advisory committee in accordance with the Federal Advisory Committee Act (FACA) (see [5 U.S.C., Appendix 2](#) and [107 FW 1](#)). The Secretary of the Interior approves charters and appoints FACA committee members. This requirement is not applicable for Architecture and Engineering Evaluation Boards.
- (c) Individuals who are not Federal employees and are not members of a committee or board, but who serve as advisors to the proposal evaluation committee, are consultants (i.e., outside evaluators). We may appoint consultants as special employees in accordance with [5 U.S.C. 3109](#), and they must:

- (i) Not have significant financial interests or other personal connections with the offerors that might conflict, or give the appearance of conflicting, with their official duties;

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(ii) Provide a written statement that certifies that they have no financial or other conflicts of interest (committee and board members concerned with potential conflicts should consult their designated Ethics Counselor); and

(iii) Adhere to Departmental employee responsibilities and meet the requirements in [43 CFR 20](#).

**C. Contract Award.**

(1) *Decision making.* The CO is usually the source selection official. He or she makes a source selection decision using the procedures in the solicitation and after considering the technical evaluation committee memorandum and other documentation, if any.

(2) *Formal source selection.* We may use formal source selection procedures for unusually complex, high dollar-value, or sensitive acquisitions that do not use SAP. The Head of the Contracting Activity (i.e., the Assistant Director – Business Management and Operations) is the Service’s source selection authority for this type of solicitation. He/she may designate this authority in writing to another management official (usually a management level above the CO) in accordance with [Department of the Interior Acquisition Regulation \(DIAR\) 1415.3](#).

**D. Contract Administration and Closeout.** Both the CO and the Contracting Officer’s Representative (COR) have many duties for properly administering contracts and closing them out when they are complete. See the Federal Acquisition Certification information on the Department’s Acquisition, Assistance, and Asset Policy Portal and the [CO Handbook](#) for more detailed information.

## **ACQUIRING SENSITIVE PROPERTY**

### **4.6 What is sensitive property, and what requirements should employees know about it?**

**A.** Sensitive property is property that is system-controlled, regardless of value, by keeping detailed accountability records. It includes, among other things, desktop, laptop, or notebook computers and tablets (e.g., iPads®); electronic control devices (e.g., TASERS®); firearms; and museum property.

**B.** Employees must not use a purchase card to procure sensitive property, and it requires additional approvals in the Financial and Business Management System (FBMS).

**C.** See the [CO Handbook](#) and [310 FW 1 through 5](#) for more detailed information.

## **LESS THAN FULL AND OPEN COMPETITION**

**4.7 For what types of procurements may Service employees use less than full and open competition?** It is our policy to provide for full and open competition for all procurements exceeding the micro-purchase threshold. However, there are some circumstances where it is

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necessary or appropriate to award a contract with limited competition, but only with an approved justification.

**A.** A lack of advance planning or concerns about expiring funds or the amount of funds available are not acceptable reasons for limiting competition (see [FAR 6.301\(C\)](#)).

**B.** Full and open competition is not required in the following situations (and the other situations listed in [FAR 6.302](#)):

**(1)** Acquisitions for which there is only one responsible source and no other supplies or services will satisfy Service requirements, or

**(2)** When the Service needs supplies or services so urgently that the Government would be seriously injured unless it limits the number of sources from which it solicits bids or proposals.

**C.** The format and complexity of the justification documentation depend on the type of acquisition (commercial or noncommercial) and whether or not the procurement uses SAP. Consult your Regional Contracting Office for additional information, procedures, and templates for these justifications.

## **UNSOLICITED PROPOSALS**

**4.8 What is the Service's policy on unsolicited proposals?** Employees who receive an unsolicited offer or proposal must immediately send the package to the Chief of their servicing Contracting Office for review (see [FAR 15.6](#) for the definition of an unsolicited proposal).

**A.** Procedures:

**(1)** The Chief of the servicing Contracting Office is the point of contact for controlling the receipt, security, evaluation, and disposition of unsolicited proposals. He/she appoints a CO to handle the proposal.

**(2)** The CO determines whether the proposal is unsolicited.

**(3)** The Chief gives instructions for evaluation, confidentiality, reproduction, discussions, and correspondence with offerors of unsolicited proposals.

**(4)** If the Chief plans to award a contract to the offeror, he/she ensures that necessary documentation is prepared, including a justification for making a contract award with less than full and open competition (see [FAR 15.607](#)).

**B.** Employees who have contacts with people presenting unsolicited proposals should limit their discussions with these individuals to:

**(1)** Responding to inquiries about the general need for the type of effort contemplated, and

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(2) Providing a general understanding of the Service's mission and responsibilities relative to the type of effort contemplated.

## **OTHER TYPES OF COMMITMENTS AND UNAUTHORIZED COMMITMENTS**

**4.9 May employees use a Memorandum of Understanding (MOU) to transfer funds or property?** No. We use MOUs to record mutual understandings on matters of policy—we do not use them to make legally binding commitments involving Federal funds, services, or property. You must use a contract, cooperative agreement, grant, or intra-/interagency agreement to transfer funds or property.

**4.10 Who should employees contact for information about procurement related to the Federal Assistance program and the integrated charge card program?** Contact the Office of Wildlife and Sport Fish Restoration for information on procurement related to Federal Assistance, and contact the Division of Financial Management for information about the integrated charge card program.

**4.11 What is an unauthorized commitment, and what is the Service's policy on them?** An unauthorized commitment occurs when a Government employee enters into an agreement for services or purchases items without the authority to do so. For information about unauthorized commitments, see [301 FW 5](#) and the [CO Handbook](#).

/sgd/ Thomas O. Melius  
ACTING DIRECTOR

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