or pricing data threshold, if no exception at FAR 15.403–1(c) applies, the cost or pricing data shall be certified; and
(ii) Enter into negotiations with the offeror as necessary to establish a fair and reasonable price. The negotiated price should not exceed the offered price.

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215.371–4 Exceptions.

(a)(1) The requirements at sections 215.371–2 and 215.371–3 do not apply to acquisitions—
(i) At or below the simplified acquisition threshold;
(ii) In support of contingency, humanitarian or peacekeeping operations, or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack; or
(iii) Of basic or applied research or development, as specified in FAR 35.016(a), that use a broad agency announcement.

(2) The applicability of an exception in paragraph (a)(1) of this section does not eliminate the need for the contracting officer to seek maximum practicable competition and to ensure that the price is fair and reasonable.

(b)(1) The requirements at section 215.371–2 do not apply to small business set-asides under FAR subpart 19.5 or set-asides under the HUBZone Program (see FAR 19.1305(c)), the Service-Disabled Veteran-Owned Small Business Procurement Program (see FAR 19.1405(c)), or the Woman-Owned Small Business Program (see FAR 19.1505(d)).

(2) The requirements at section 215.371–3 do apply to such set-asides.

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(a) The head of the contracting activity is authorized to waive the requirement at 215.371–2 to resolicit for an additional period of at least 30 days.

(b) This waiver authority cannot be delegated below one level above the contracting officer.

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