

(3) Section 3015 of title 10.

(c) Small business reserve

For a procurement carried out pursuant to subsection (a), section 644(j) of title 15 shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

(Pub. L. 107–296, title VIII, §853, Nov. 25, 2002, 116 Stat. 2235; Pub. L. 117–81, div. A, title XVII, §1702(c)(2), Dec. 27, 2021, 135 Stat. 2155.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–81 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

“(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

“(3) Section 2302(7) of title 10.”

§ 424. Increased micro-purchase threshold for certain procurements

In the administration of section 1902 of title 41 with respect to a procurement referred to in section 422 of this title, the amount specified in subsections (a), (d), and (e) of such section 1902 shall be deemed to be \$7,500.

(Pub. L. 107–296, title VIII, §854, Nov. 25, 2002, 116 Stat. 2236.)

Editorial Notes

CODIFICATION

In text, “section 1902 of title 41” substituted for “section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)” and “subsections (a), (d), and (e) of such section 1902” substituted for “subsections (c), (d), and (f) of such section 32” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 425. Application of certain commercial items authorities to certain procurements

(a) Authority

(1) In general

The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 422 of this title without regard to whether the property or services are commercial items.

(2) Commercial item laws

The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 1901 and 1906 of title 41.

(B) Section 3205 of title 10.

(C) Section 3305 of title 41.

(b) Inapplicability of limitation on use of simplified acquisition procedures

(1) In general

The \$5,000,000 limitation provided in section 1901(a)(2) of title 41, section 3205(a)(2) of title 10, and section 3305(a)(2) of title 41 shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB guidance

The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of \$5,000,000 under the authority of this section.

(c) Continuation of authority for simplified purchase procedures

Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

(Pub. L. 107–296, title VIII, §855, Nov. 25, 2002, 116 Stat. 2236; Pub. L. 117–81, div. A, title XVII, §1702(c)(3), Dec. 27, 2021, 135 Stat. 2155.)

Editorial Notes

REFERENCES IN TEXT

Section 4202(e) of the Clinger-Cohen Act of 1996, referred to in subsec. (c), is section 4202(e) of Pub. L. 104–106, which is set out as a note under section 2304 of Title 10, Armed Forces.

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 117–81, §1702(c)(3)(A), added subpars. (A) to (C) and struck out former subpars. (A) to (C) which read as follows:

“(A) Sections 1901 and 1906 of title 41.

“(B) Section 2304(g) of title 10.

“(C) Section 3305 of title 41.”

Subsec. (b)(1). Pub. L. 117–81, §1702(c)(3)(B), substituted “provided in section 1901(a)(2) of title 41, section 3205(a)(2) of title 10, and section 3305(a)(2) of title 41 shall not” for “provided in section 1901(a)(2) of title 41, section 2304(g)(1)(B) of title 10, and section 3305(a)(2) of title 41 shall not”.

§ 426. Use of streamlined procedures

(a) Required use

The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 422 of this title, including authorities and procedures that are provided under the following provisions of law:

(1) Federal Property and Administrative Services Act of 1949

In division C of subtitle I of title 41:

(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3304 of title 41, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

(B) Section 4106 of title 41, relating to orders under task and delivery order contracts.

(2) Title 10

In part V of subtitle A of title 10:

(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3204, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).