

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 413—SIMPLIFIED ACQUISITION PROCEDURES

#### Subpart 413.3—Simplified Acquisition Methods

Sec.

413.302 Purchase orders.  
413.302-5 Clauses.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 89 FR 81015, Oct. 7, 2024, unless otherwise noted.

#### Subpart 413.3—Simplified Acquisition Methods

##### 413.302 Purchase orders.

##### 413.302-5 Clauses.

The contracting officer shall insert the clause at AGAR 452.204-70, Modification for Contract Closeout, in all solicitations and contracts that use simplified acquisition procedures.

### PART 414—SEALED BIDDING

#### Subpart 414.4—Opening of Bids and Award of Contract

Sec.

414.404 Rejection of bids.  
414.407 Mistakes in bids.  
414.407-3 Other mistakes disclosed before award.  
414.407-4 Mistakes after award.  
414.409 Information to bidders.  
414.409-2 Award of classified contracts.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 89 FR 81015, Oct. 7, 2024, unless otherwise noted.

#### Subpart 414.4—Opening of Bids and Award of Contract

##### 414.404 Rejection of bids.

##### 414.404-1 Cancellation of invitations after opening.

An acquisition official at a level above the contracting officer is authorized to request the determinations under FAR 14.404-1(c) and (e)(1).

##### 414.407 Mistakes in bids.

##### 414.407-3 Other mistakes disclosed before award.

The authority to make the determinations under FAR 14.407-3(a), (b), and (d) is delegated, without power of redelegation, to the HCA. The authority to make the determination under FAR 14.407-3(c) is delegated to the contracting officer. Each determination pursuant to FAR 14.407-3 shall have the concurrence of the Office of the General Counsel (OGC).

##### 414.407-4 Mistakes after award.

If a mistake in bid is disclosed after award, the contracting officer shall make a final determination in accordance with the provisions of FAR 14.407-4 (b) and (c) and shall coordinate each proposed determination with OGC. Such coordination shall, at a minimum, consist of the contracting officer providing the proposed determination and the case file to OGC for comment.

##### 414.409 Information to bidders.

##### 414.409-2 Award of classified contracts.

Disposition of classified information shall be in accordance with Departmental Regulation and Manual (3400-001 Series) and in accordance with direction issued by the USDA Office of Homeland Security (OHS), Personnel and Document Security Division.

### PART 415—CONTRACTING BY NEGOTIATION

#### Subpart 415.2—Solicitation and Receipt of Proposals and Information

Sec.

415.204 Contract format.

#### Subpart 415.3—Source Selection

415.305 Proposal evaluation.

#### Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

## Department of Agriculture

416.603-2

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 89 FR 81015, Oct. 7, 2024, unless otherwise noted.

### Subpart 415.2—Solicitation and Receipt of Proposals and Information

#### 415.204 Contract format.

The HCA is authorized to exempt contracts from the uniform contract format.

### Subpart 415.3—Source Selection

#### 415.305 Proposal evaluation.

Each Mission Area senior contracting official is responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team per FAR 15.305(a)(4).

### Subpart 415.6—Unsolicited Proposals

#### 415.604 Agency points of contact.

Each Mission Area senior contracting official is responsible for establishing points of contact for the control of unsolicited proposals. An unsolicited proposal must be formally submitted to the Agency by way of the point of contact.

## PART 416—TYPES OF CONTRACTS

### Subpart 416.1—Selecting Contract Types

Sec.

416.102 Policies.

### Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.

416.203-4 Contract clauses.

### Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.

416.603-2 Application.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 89 FR 81015, Oct. 7, 2024, unless otherwise noted.

### Subpart 416.1—Selecting Contract Types

#### 416.102 Policies.

The contracting officer shall insert the clause at AGAR 452.204-70, Modification for Contract Closeout, in all solicitations and contracts that use other than cost reimbursement contract types.

### Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.

416.203-4 Contract clauses.

An economic price adjustment clause based on cost indexes of labor or material may be used under the conditions listed in FAR 16.203-4(d) after HCA approval and consultation with the Office of the General Counsel (OGC).

### Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.

416.603-2 Application.

The HCA is authorized to extend the period for defining a letter contract required by FAR 16.603-2(c) in extreme cases where it is determined in writing that such action is in the best interest of the Government.

## PARTS 417-418 [RESERVED]