

614.404**614.404 Rejection of bids.****614.404-1 Cancellation of invitations after opening.**

The authority to make the determination prescribed in FAR 14.404-1(c) is delegated, without power of redelegation, to the head of the contracting activity. The head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making a determination pursuant to this subsection.

(f) The head of the contracting activity is the agency head for the purpose of FAR 14.404-1(f). This authority is not redelegable.

[53 FR 26168, July 11, 1988, as amended at 59 FR 66758, Dec. 28, 1994; 64 FR 43623, Aug. 11, 1999]

614.407 Mistakes in bids.**614.407-3 Other mistakes disclosed before award.**

The authority to make the determinations prescribed in FAR 14.407 is delegated, without power of redelegation, to the head of the contracting activity. In conformance with FAR 14.407-3(f), the head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making any determinations pursuant to this subsection.

[53 FR 26168, July 11, 1988. Redesignated and amended at 64 FR 43623, Aug. 11, 1999]

614.407-4 Mistakes after award.

The authority to make all determinations prescribed in FAR 14.407-4 is delegated, without power of redelegation, to the head of the contracting activity. In conformance with FAR 14.407-4(d), the head of the contracting activity shall consult with the Office of the Legal Adviser before making any determinations pursuant to this subsection.

[53 FR 26168, July 11, 1988. Redesignated and amended at 64 FR 43623, Aug. 11, 1999]

48 CFR Ch. 6 (10-1-24 Edition)**PART 615—CONTRACTING BY NEGOTIATION****Subpart 615.2—Solicitation and Receipt of Proposals and Information**

Sec.

615.204 Contract format.

615.205 Issuing solicitations.

615.205-70 Use of English language.

615.209-70 Examination of records.

Subpart 615.3—Source Selection

615.303 Responsibilities.

Subpart 615.4—Contract Pricing

615.404 Proposal analysis.

615.404-4 Profit.

Subpart 615.6—Unsolicited Proposals

615.604 Agency points of contact.

AUTHORITY: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

SOURCE: 64 FR 43623, Aug. 11, 1999, unless otherwise noted.

Subpart 615.2—Solicitation and Receipt of Proposals and Information**615.204 Contract format.**

(e) The Procurement Executive is the agency head's designee for the purposes of FAR 15.204(e).

615.205 Issuing solicitations.

(a) Contracting officers shall release copies of solicitation mailing lists in accordance with FAR 14.205-5(a). However, the list of those firms which actually submit proposals is not releasable. Requests for information other than solicitation mailing lists shall be handled under the Freedom of Information Act.

615.205-70 Use of English language.

The requirements of 614.201-70 also apply when contracting by negotiation.

[64 FR 43623, Aug. 11, 1999, as amended at 81 FR 24707, Apr. 27, 2016]

615.209-70 Examination of records.

The contracting officer shall insert the clause at 652.215-70, Examination of Records, in all solicitations and contracts other than those described in

Department of State **616.000**

Federal Acquisition Regulation
15.209(b)(1).
[87 FR 1082, Jan. 10, 2022]

(2) Estimated dollar amount, with cost breakdown; and,
(3) Description of negotiation efforts.

Subpart 615.3—Source Selection

615.303 Responsibilities.

(a) The Procurement Executive is the agency head for the purposes of FAR 15.303(a). The HCA is delegated authority to appoint someone other than the contracting officer as source selection authority for a particular acquisition.

[64 FR 43623, Aug. 11, 1999, as amended at 80 FR 6920, Feb. 9, 2015]

Subpart 615.4—Contract Pricing

SOURCE: 80 FR 6920, Feb. 9, 2015, unless otherwise noted.

615.404 Proposal analysis.

615.404-4 Profit.

(b)(2) It is the Department's policy to use the structured approach for profit/fee analysis contained in the Department of Health and Human Services' (HHS) FAR Supplement (see 48 CFR chapter 3), for acquisitions awarded by domestic contracting activities and RPSOs. This document may be accessed from A/OPE's Acquisition Web site (see 601.105-3). Contracting officers shall follow these procedures. HHS Form 674, *Structured Approach Profit/Fee Objective*, or an equivalent form, may be used to document the profit/fee analysis. If more than one pre-negotiation cost objective is developed (e.g., high and low), a separate form should be completed for each. The contracting officer shall ensure that a written explanation is attached to the form justifying the weights chosen for each cost category or factor. This approach considers the factors outlined in FAR 15.404-4(d).

(c)(4)(i)(B) In accordance with a delegation from OBO, overseas posts may request a waiver from A/OPE if post is unable to negotiate a price for architect-engineer services within the six percent price limitation. To obtain a waiver, the contracting officer must send the following information to A/OPE:

(1) Description of project;

Subpart 615.6—Unsolicited Proposals

615.604 Agency points of contact.

(a)(4) The contact points for unsolicited proposals are the heads of the contracting activities.

PART 616—TYPES OF CONTRACTS

Sec.

616.000 Scope of part.

Subpart 616.1—Selecting Contract Types

616.102 Policies.
616.102-70 Overseas posts.
616.103 Negotiating contract type.

Subpart 616.2—Fixed-Price Contracts

616.203 Fixed-Price contracts with economic price adjustment.
616.203-4 Contract clauses.
616.207 Firm-fixed-price, level-of-effort term contracts.
616.207-3 Limitations.

Subpart 616.5—Indefinite-Delivery Contracts

616.504 Indefinite-quantity contracts.
616.505 Ordering.
616.506 Solicitation provisions and contract clauses.
616.506-70 DOSAR contract clause.

AUTHORITY: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

SOURCE: 53 FR 26169, July 11, 1988, unless otherwise noted.

616.000 Scope of part.

The contracting officer may use any of the contract types described in FAR part 16 for acquisitions made under simplified acquisition procedures. The contracting officer shall document his/her decision to use a contract type in accordance with the requirements of FAR part 16.

[60 FR 39963, Aug. 3, 1995]

Subpart 616.1—Selecting Contract Types

SOURCE: 80 FR 6920, Feb. 9, 2015, unless otherwise noted.