

Subpart 13.5 - Simplified Procedures for Certain Commercial Products and Commercial Services

Parent topic: [Part 13 - Simplified Acquisition Procedures](#)

13.500 General.

(a) This subpart authorizes the use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$7.5 million (\$15 million for acquisitions as described in [13.500\(c\)](#)), including options, if the contracting officer reasonably expects, based on the nature of the supplies or services sought, and on market research, that offers will include only commercial products or commercial services. Contracting officers may use any simplified acquisition procedure in this part, subject to any specific dollar limitation applicable to the particular procedure. The purpose of these simplified procedures is to vest contracting officers with additional procedural discretion and flexibility, so that commercial acquisitions in this dollar range may be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry ([10 U.S.C. 3205-3208](#) and chapter 241 and [41 U.S.C.3305, 3306](#), and chapter 37, Awarding of Contracts).

(b) When acquiring commercial products or commercial services using the procedures in this part, the requirements of [part 12](#) apply subject to the order of precedence provided at [12.102\(c\)](#). This includes use of the provisions and clauses in [subpart 12.3](#).

(c) Under [41 U.S.C. 1903](#), the simplified acquisition procedures authorized in this subpart may be used for acquisitions that do not exceed \$15 million when-

(1) The acquisition is for commercial products or commercial services that, as determined by the head of the agency, are to be used in support of a contingency operation; to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster, or

(2) The acquisition will be treated as an acquisition of commercial products or commercial services in accordance with [12.102\(f\)\(1\)](#).

13.501 Special documentation requirements.

(a) Sole source (including brand name) acquisitions.

(1) Acquisitions conducted under simplified acquisition procedures are exempt from the

requirements in [part 6](#). However, contracting officers must-

- (i) Conduct sole source acquisitions, as defined in [2.101](#), (including brand name) under this subpart only if the need to do so is justified in writing and approved at the levels specified in paragraph (a)(2) of this section;
- (ii) Prepare sole source (including brand name) justifications using the format at [6.303-2](#), modified to reflect that the procedures in FAR [subpart 13.5](#) were used in accordance with [41 U.S.C.1901](#) or the authority of [41 U.S.C. 1903](#);
- (iii) Make publicly available the justifications (excluding brand name) required by [6.305\(a\)](#) within 14 days after contract award or in the case of unusual and compelling urgency within 30 days after contract award, in accordance with [6.305](#) procedures at paragraphs (b), (d), (e), and (f); and
- (iv) Make publicly available brand name justifications with the solicitation, in accordance with [5.102\(a\)\(6\)](#).

(2) Justifications and approvals are required under this subpart for sole-source (including brand-name) acquisitions or portions of an acquisition requiring a brand-name. If the justification is to cover only the portion of the acquisition which is brand-name, then it should so state; the approval level requirements will then only apply to that portion.

- (i) For a proposed contract exceeding the simplified acquisition threshold, but not exceeding \$750,000, the contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief will serve as approval, unless a higher approval level is established in accordance with agency procedures.
- (ii) For a proposed contract exceeding \$750,000 or the thresholds in paragraph (1) of the definition of simplified acquisition threshold in [2.101](#), but not exceeding \$15 million, the advocate for competition for the procuring activity, designated pursuant to [6.501](#); or an official described in [6.304\(a\)\(3\)](#) or (a)(4) must approve the justification and approval. This authority is not delegable.
- (iii) For a proposed contract exceeding \$15 million but not exceeding \$75 million or, for DoD, NASA, and the Coast Guard, not exceeding \$100 million, the head of the procuring activity or the official described in [6.304\(a\)\(3\)](#) or (a)(4) must approve the justification and approval. This authority is not delegable.
- (iv) For a proposed contract exceeding \$75 million or, for DoD, NASA, and the Coast Guard, \$100 million, the official described in [6.304\(a\)\(4\)](#) must approve the justification and approval. This authority is not delegable except as provided in [6.304\(a\)\(4\)](#).

(b) *Contract file documentation.* The contract file must include-

- (1) A brief written description of the procedures used in awarding the contract, including the fact that the procedures in FAR [subpart 13.5](#) were used;
- (2) The number of offers received;
- (3) An explanation, tailored to the size and complexity of the acquisition, of the basis for the contract award decision; and
- (4) Any justification approved under paragraph (a) of this section.