

7.103 Agency-head responsibilities.

The *agency head* or a designee *shall* prescribe procedures for the following:

- (a) Promoting and providing for *full and open competition* (see [part 6](#)) or, when *full and open competition* is not required in accordance with [part 6](#), for obtaining competition to the maximum extent practicable, with due regard to the nature of the *supplies* and services to be acquired ([10 U.S.C. 3206\(a\)\(1\)](#) and [41 U.S.C. 3306\(a\)\(1\)](#)).
- (b) Encouraging *offerors* to supply *commercial products* or *commercial services*, or to the extent that *commercial products* suitable, to meet the agency needs are not available, *nondevelopmental items* in response to agency *solicitations* ([10 U.S.C. 3453](#) and [41 U.S.C. 3307](#)).
- (c) Ensuring that *acquisition planners* address the requirement to specify needs, develop specifications, and to solicit *offers* in such a manner to promote and provide for *full and open competition* with due regard to the nature of the *supplies* and services to be acquired ([10 U.S.C. 3206\(a\)\(1\)](#) and [41 U.S.C. 3306\(a\)\(1\)](#)). (See [part 6](#) and [10.002](#).)
- (d) Ensuring that *acquisition planners* document the file to support the selection of the contract type in accordance with subpart [16.1](#).
- (e) Establishing criteria and thresholds at which increasingly greater detail and formality in the planning process is required as the *acquisition* becomes more complex and costly, including for cost-reimbursement and other high-risk contracts (*e.g.*, other than firm-fixed-price contracts) requiring a written *acquisition* plan. A written plan *shall* be prepared for cost reimbursement and other high-risk contracts other than firm-fixed-price contracts, although written plans *may* be required for firm-fixed-price contracts as appropriate.
- (f) Ensuring that the statement of work is closely aligned with performance outcomes and cost estimates.
- (g) Writing plans either on a systems basis, on an individual contract basis, or on an individual *order* basis, depending upon the *acquisition*.
- (h) Ensuring that the principles of this subpart are used, as appropriate, for those *acquisitions* that do not require a written plan as well as for those that do.
- (i) Designating *planners* for *acquisitions*.
- (j) Reviewing and approving *acquisition* plans and revisions to these plans to ensure compliance with FAR requirements including [7.104](#) and [part 16](#). For other than firm-fixed-price contracts, ensuring that the plan is approved and signed at least one level above the *contracting officer*.
- (k) Establishing criteria and thresholds at which *design-to-cost* and life-cycle-cost techniques will be used.
- (l) Establishing standard *acquisition* plan formats, if desired, suitable to agency needs.
- (m) Waiving requirements of detail and formality, as necessary, in planning for *acquisitions* having compressed delivery or performance schedules because of the urgency of the need.

(n) Assuring that the *contracting officer*, prior to *contracting*, reviews:

(1) The *acquisition* history of the *supplies* and services; and

(2) A description of the *supplies*, including, when necessary for adequate description, a picture, drawing, diagram, or other graphic representation.

(o) Ensuring that agency *planners* include use of the metric system of measurement in proposed *acquisitions* in accordance with [15 U.S.C.205b](#) (see [11.002\(b\)](#)) and agency metric plans and guidelines.

(p) Ensuring that agency *planners*-

(1) Specify needs for printing and writing paper consistent with the 30 percent postconsumer fiber minimum content standards specified in section 2(d)(ii) of Executive Order 13423 of January 24, 2007, Strengthening Federal Environmental, Energy, and Transportation Management, and section 2(e)(iv) of Executive Order 13514 of October 5, 2009 (see [11.303](#))

(2) Comply with the policy in [11.002\(d\)](#) regarding *procurement of biobased products, products containing recovered materials, environmentally preferable products* and services (including Electronic Product Environmental Assessment Tool (EPEAT®)-registered electronic *products*, nontoxic or low-toxic alternatives), ENERGY STAR® and Federal Energy Management Program-designated *products, renewable energy, water-efficient products, non-ozone-depleting products, and products* and services that minimize or eliminate, when feasible, the use, release, or emission of *high global warming potential hydrofluorocarbons*, such as by using reclaimed instead of virgin *hydrofluorocarbons*;

(3) Comply with the Guiding Principles for Federal Leadership in High-Performance and Sustainable Buildings (Guiding Principles), for the design, *construction*, renovation, repair, or deconstruction of Federal buildings. The Guiding Principles can be accessed at <https://www.epa.gov/greeningepa/guiding-principles-federal-leadership-high-performance-and-sustainable-buildings>; and

(4) Require contractor compliance with Federal environmental requirements, when the contractor is operating Government-owned facilities or vehicles, to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles.

(q) Ensuring that *acquisition planners* specify needs and develop plans, drawings, work statements, specifications, or other product or service requirements (*e.g.*, help desks, call centers, training services, and automated self-service technical support) descriptions that address *information and communication technology (ICT)* accessibility standards (see [36 CFR 1194.1](#)) in proposed *acquisitions* and that these standards are included in requirements planning (see [subpart 39.2](#)).

(r) Making a determination, prior to issuance of a *solicitation* for *advisory and assistance services* involving the analysis and evaluation of proposals submitted in response to a *solicitation*, that a sufficient number of covered personnel with the training and capability to perform an evaluation and analysis of proposals submitted in response to a *solicitation* are not readily available within the agency or from another *Federal agency* in accordance with the guidelines at [37.204](#).

(s) Ensuring that no purchase request is initiated or contract entered into that would result in the performance of an inherently governmental function by a contractor and that all contracts or *orders* are adequately managed so as to ensure effective official control over contract or *order* performance.

(t) Ensuring that knowledge gained from prior *acquisitions* is used to further refine requirements and *acquisition* strategies. For services, greater use of *performance-based acquisition* methods *should* occur for follow-on *acquisitions*.

(u) Ensuring that *acquisition planners*, to the maximum extent practicable-

(1) Structure contract requirements to facilitate competition by and among small business concerns; and

(2) Avoid unnecessary and unjustified *bundling* that precludes small business participation as contractors (see [7.107](#)) ([15 U.S.C. 631\(j\)](#)).

(v) Ensuring that agency *planners* on *information technology acquisitions* comply with the capital planning and investment control requirements in [40 U.S.C. 11312](#) and OMB Circular A-130.

(w) Ensuring that agency *planners* on *information technology acquisitions* comply with the *information technology* security requirements in the Federal *Information Security* Management Act ([44 U.S.C. 3544](#)), OMB's implementing policies including Appendix III of OMB Circular A-130, and guidance and standards from the Department of Commerce's National Institute of Standards and Technology.

(x) Ensuring that agency *planners* use project labor agreements when required (see subpart [22.5](#) and [36.104 Policy](#)).

(y) Ensuring that *contracting officers* consult the *Disaster Response Registry* via <https://www.sam.gov>, Search Records, Advanced Search, *Disaster Response Registry* Search as a part of *acquisition planning* for debris removal, distribution of *supplies*, reconstruction, and other disaster or *emergency* relief activities inside the *United States* and *outlying areas*. (See [26.205](#)).

Parent topic: [Subpart 7.1 - Acquisition Plans](#)