

**PART 6
PLANNING, STRATEGY, AND REQUISITIONING**

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6.1 REQUISITIONER-CONTRACTING OFFICER PARTNERSHIP.

INFORMATION:

(a) The success of a purchase transaction depends upon a close working relationship between the requisitioner, the purchasing staff, and affected technical personnel. The purpose of that relationship is to obtain the best buy for BPA's ultimate customer, the ratepayer.

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(b) This Part, and indeed the entire BPI philosophy, is founded on the assumption that the purchasing staff and the requisitioner form a close-knit team which will work closely together, sharing the information and effort needed to plan, develop and implement the best possible strategy for the transaction. When necessary, the team will also share the responsibility and effort for evaluation and negotiation of the purchase. In order to complete a transaction smoothly, certain actions in this part (and throughout the BPI) are assigned to one party or organization. However, it is clearly the intent of the BPI to remove barriers to cooperation and progress, and to encourage the parties involved to work as partners in the transaction.

6.2 PURCHASING ACTION FORECASTS.

(a) **POLICY:** Program offices (requisitioners) shall prepare annual forecasts of purchasing actions exceeding \$50,000 (one exception: forecasts for construction contracts are required for transactions exceeding \$2,000) and submit them to the cognizant purchasing office. The forecast shall be submitted upon approval of the annual operating plan, or November 30, whichever is earlier. The contents and format of the plan shall be agreed upon by the cognizant purchasing manager and the program office.

(b) **INFORMATION:** The submission of these forecasts will initiate a cooperative review of the expected workload by the program office and the cognizant purchasing manager. This review should result in specific actions such as advancing or deferring action on specific items, providing additional information, identifying areas where market research is needed, or other actions which will assist in purchasing the required goods or services efficiently. The purpose of these forecasts is to add to the planning capabilities of the organization, not to restrict management's flexibility.

6.3 DETERMINING REQUIREMENTS.

POLICY: It is the requisitioner's responsibility to determine and specify requirements for the goods and services necessary to carry out BPA's programs.

6.4 COMMUNICATION OF REQUISITIONER'S NEEDS.

INFORMATION: Purchase descriptions are used to communicate the requisitioner's needs to the CO and potential suppliers. Such descriptions must be clear and complete to assure efficient communication. Requisitioners are encouraged to contact COs for assistance in obtaining market or technical information, and for assistance in preparing specifications or statements of work.

6.4.1 Use of Commercial Item Descriptions.

POLICY: Commercial item descriptions should be used whenever such descriptions will specify a suitable product or service. However, if commercial item descriptions are not adequate, they should not be used. The use of commercial item descriptions will generally result in shorter processing and delivery lead times than will the use of detailed design or performance specifications. Commercial item descriptions include industry standards, manufacturer's standards, standard grades, and brand name items. The use of additional BPA specifications or testing requirements is generally not appropriate with such descriptions.

6.4.1.1 Clause Usage Prescriptions.

PROCEDURE: If using brand-name descriptions, and alternatives to the brand name specified would be acceptable, the CO may include a clause similar to 6-1, Alternative to Brand Name Requirement, in solicitations. If alternate products will not be acceptable, the solicitation should so state.

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6.4.2 Specifications.

(a) **POLICY:** BPA shall specify its needs in a form that permits competition and innovation and avoids restrictive features that would limit acceptable offers to one offerors' product unless the features are essential to satisfy the program's needs. In so doing, BPA will use performance (functional) specifications to the maximum extent practicable when commercial item descriptions cannot be used.

(b) **INFORMATION:** A specification is a description of the technical requirements for a material or product that includes the criteria for determining whether these requirements are met.

6.4.3 Statements of Work

INFORMATION: A statement of work is used in service contracts and describes the objectives, purpose, and, to the extent they are available, the detailed requirements for the work to be accomplished. It may also specify the desired approach to the performance of the work and include a means of determining that the work has been performed. The degree of specificity in the statement of work will depend upon the type and size of the project. See Appendix 6A for the format of a statement of work.

6.4.4 Liquidated Damages.

INFORMATION: If liquidated damages are to be included in a contract, the CO will request the requisitioner to provide support for determining the amount of damages. See Part 24.

6.4.5 Estimate of Contract Costs.

INFORMATION: The Bonneville Enterprise System electronic requisition module requires requisitioners provide an estimate of costs for all transactions. Instructions for preparing these estimates are provided in Appendix 6-A.

6.4.6 Supplier Development.

INFORMATION: Requisitioners may find it advisable to request that the CO award multiple orders for certain goods or services in order to assist, develop, or evaluate potential second sources, to help develop a small supplier's capability, or for other reasons. This could be accomplished by awarding the majority of a requirement to a known successful supplier, and a smaller portion to another contractor. If this appears to be desirable, the requisitioner and CO should jointly develop an appropriate purchasing strategy.

6.4.7 Identifying Systems of Records to Be Maintained.

PROCEDURE: The requisitioner shall determine whether a contract will involve the design, development or operation of a system of records as defined in the Privacy Act (See 5.1). If so, the requisitioner shall insure that the work statement specifically identifies the system of records on individuals and the design, development, or operation work to be performed. The work statement should identify the BPA/Departmental rules and regulations implementing the Privacy Act.

6.4.8 Identifying Safety and Work Practice Hazards.

PROCEDURE: The requisitioner shall assess whether safety or work practice hazards may be present or likely to occur during performance of the contract. The requisitioner shall provide the CO with a description of those safety or work practice hazards identified. This information can be included in the proposed contract Statement of Work or specifications or provided to the CO in a separate document. The CO shall incorporate this safety and work practice hazards information

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in the contract. The contractor shall be required to develop a safety plan, and, if necessary, a site-specific safety plan to mitigate such safety and work practice hazards.

6.5 SUBMISSION OF REQUISITIONS.

POLICY:

(a) Electronic Material Requests, Purchase Requisitions or Contract Requisitions are authorized for all transactions executed by COs when they are buying for other organizations.

(b) The CO should promptly confer with the requisitioner upon receipt of Requisition to acknowledge receipt and confirm purchase requirements, if necessary, including required delivery. If, during the purchasing process, the requirement materially changes, the CO may require the requisitioner change the original request and re-submit to the purchasing office. Changes may be made to the Request or Requisition based upon verbal approval of the requisitioner unless the increase in the dollar amount of the Request or Requisition, and any previous changes, exceeds the greater of \$500 or 25 percent of the Request or Requisition as per Disbursement operations guidance for modifications. Approval of increases in excess of \$500 or 25 percent of the Request or Requisition amount shall be obtained by routing the revision or amendment to the requisitioner for approval.

(c) Requisitioners are responsible for ensuring that any required management approvals (land availability, environmental clearances, publications approvals, etc.) are obtained prior to award. Their authorization of the electronic Requisition constitutes a certification for this purpose. Requisitioners shall identify on the Requisition any approvals, which have not been obtained as of the date the request/requisition is authorized, and shall obtain these approvals prior to award. Requisitioners are also responsible for identifying Critical and Sensitive Information contained within or attached to the requisition.

(d) The CO should make a reasonable effort to ensure a requisitioner is aware of any special approvals that may be applicable to a particular transaction. The CO shall not award contracts without requisitioner's assurance that required approvals have been obtained. The CO need not obtain copies of the approvals for the contract file, unless the CO determines that the complexity or unique circumstances of the purchase action warrant it.

6.6 RESERVED.

6.7 PREFERENCE FOR COMMERCIAL PRODUCTS OR SERVICES.

POLICY: BPA shall acquire commercial products and services and use commercial distribution systems whenever these products, services, or distribution systems fully satisfy BPA's needs.

6.8 REQUIRED SOURCES.

INFORMATION: This subpart lists a number of commodities and services, the purchasing of which is affected by special provision of law, delegation of authority, regulation, BPA policy, or procedure peculiar to the item. In addition, Appendix 6-A describes other controls on the purchase of specific items or services. Program offices are responsible for obtaining the necessary approvals before submitting the Requisition to the CO.

6.8.1 Blind-made Products and Services.

POLICY: BPA chooses to acquire products and services offered for sale by workshops of the blind or other severely handicapped persons from such workshops, unless clearances are obtained from the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The products and services are listed in the Committee's Procurement List. If the

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products or services are also available from Federal Prison Industries, Inc., they must be obtained from FPI, if available. Often GSA stocks these products.

6.8.2 Federal Information Processing (Information Technology) Resources.

(a) **INFORMATION:** Definition. Federal Information Processing (FIP) resources are defined in OMB Circular No. A-130. Another common descriptor is Information Technology (IT). In summary, the term includes the hardware, software, support services and telecommunications operated by BPA or a contractor of BPA, or other organization that processes information on behalf of BPA to accomplish a BPA function, regardless of the technology involved. The BPA Office of the Chief Information Officer (CIO) was established in accordance with the Clinger/Cohen Act of 1996 (also known as the Information Technology Management Reform Act), which defines the roles and responsibilities of the CIO with respect to all agency IT management.

(b) **POLICY:** BPA generally follows the guidance of OMB Circular No. A-130, and the Clinger/Cohen Act, for management of all elements and activities of information technology. The purchase of IT resources shall be made by those with delegated authority and in accordance with policies of the HCA/OPMO.

(c) **PROCEDURE:** Review of information technology (IT) purchases. The Chief Information Officer (CIO) or designee shall review and approve plans (not requisitions for individual transactions) for all information technology purchases, including all control system FIP resources used to control or monitor BPA's transmission system, or used to develop the systems to control or monitor the BPA transmission grid.

(d) **PROCEDURE:** Forwarding of Requisitions. All requisitions for IT resource purchases, including those for control system IT resources, shall be sent directly to the Contracting Officer supporting the requisitioner.

(e) **INFORMATION:** The CIO has responsibility for determining the agency's information technology system integrity, security, and compatibility. To maintain appropriate system integrity and security, information regarding BPA's current IT system architecture, platforms, operating systems, and specific software applications will only be disclosed on a need to know basis, both within and outside on BPA, per the BPA Cyber Security Protection Plan issued by the Office of the Chief Information Officer. Requisitioners are required to comply with all CIO cyber security policies regarding disclosure of information during contacts with vendors or other public and private entities, and are required to prepare purchase descriptions and statements of work that reflect current CIO policy (e.g., discussion or descriptions of internal IT architecture, systems, and operations, total date-time compliance).

(f) **PROCEDURE:** Contracting Officers and their designees shall not disclose to any outside source, including IT businesses, corporate survey firms, consultants, publications, potential suppliers, or current contractors, any information pertaining to BPA IT system architecture, platforms, operating systems, specific software applications, hardware, or any portion of the general BPA IT environment, except as authorized by the requisitioner acting under the CIO's policy guidance, and then only as necessary to acquire goods and services required to satisfy the IT need.

6.8.3 Purchase of Printing and Related Supplies

(a) **INFORMATION:** "Government printing" means printing, binding, and blank bookwork for the use of an executive department, independent agency, or establishment of the Government. "Related supplies," as used in this subpart, means supplies that are used and equipment that is usable in printing and binding operations. The purchase of preprinted documents is not considered printing services, and is not subject to this section.

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(b) **INFORMATION:** The policies limiting purchase of Government printing and related supplies is required by 44 U.S.C. 501, 502, 504, and 1121; and the Government Printing and Binding Regulations, published by the Joint Committee on Printing (JCP), Congress of the United States.

(c) **POLICY:** Requisitioners shall obtain approval from the BPA Printing Officer before purchasing in any manner, whether directly or through purchases of other supplies or services, for printing and related items. Examples of printing requiring this approval include composition, plate making, presswork, binding, silk-screening of specialty advertising items, and micrographics (when used as a substitute for printing).

6.8.3.1 Clause Usage Prescriptions.

POLICY: The CO shall include Clause 6-2, Printing, in solicitations and contracts where it is probable that printing may be required as a part of the effort. If there is a question as to whether or not printing will be required, the clause should be included.

6.8.4 Steel Storage Shelving.

POLICY: Steel storage shelving is a mandatory Federal Prison Industries product. BPA COs may place orders only with GSA or FPI as appropriate.

6.9 PURCHASE OF PERSONAL USE ITEMS.

6.9.1 General.

(a) **POLICY:** In the absence of specific statutory authority, BPA funds may not be used to acquire items that are solely of benefit to individual BPA employees. An expenditure made primarily for the benefit of BPA is permissible, however, even if the object of the expenditure is for the personal use of employees (e.g., microwave ovens, safety, employee recognition, and other approved incentive award program items). See BPA Personnel Letter 451-1 and BPAM 440/451A regarding policy and procedures for purchase of employee recognition and incentive items.

(b) **INFORMATION:** Generally, "improper items" are those items which could be construed as being solely for the personal use or benefit of specific employees, and not constituting expenses that are necessary, proper, or incident to the proper execution of BPA's programs and mission. Examples of potentially improper items include entertainment and recreational expenses, food for BPA employees, food and beverage preparation equipment, gifts, lobbying and related matters, personal/special use clothing, personal expenses and furnishings, etc.

6.9.2 Special Circumstances.

INFORMATION: Special equipment may be made available under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.] if the employee is found to be "handicapped" (within the meaning of the statute and its implementing regulations) and the particular purchase will enable the qualified handicapped employee to perform official duties. See Comp. Gen. December B-213666 [26 July 1984]. Such items in addition to the items described in 6.9.1 are subject to the procedures described below.

6.9.3 Procedures.

PROCEDURES: When potentially improper items, or items which may be construed as being for the personal benefit of individual employees are required for BPA's program purposes, the following procedures will apply. These procedures are required each time such an item is acquired.

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(a) If the requisitioner (Program Office) is not sure whether the proposed purchase would be deemed improper, the requisitioner should contact the Chief Certifying Officer for guidance. If the Chief Certifying Officer determines that the item is an acceptable item, he/she will forward a signed statement to that effect, which is to be attached to the procurement request.

(b) Items that are determined to be potentially improper will be processed as follows:

(1) Requisitioners (Program Office) will document the need for items that are determined to be potentially improper in a memorandum to the Chief Certifying Officer. The memorandum will describe the item(s) being requisitioned, the quantity to be requisitioned, and the estimated total cost of the proposed purchase. It will also describe how the item is to be used in the program, and how it will be distributed. If the item is intended to benefit a specific employee, an explanation of why BPA should pay for the item shall be provided. The requesting person's second level performance manager should sign this memo. A concurrence line for the signature of the Chief Certifying Officer shall be provided.

(2) The Chief Certifying Officer will review the memorandum, and determine if payment can be made. If payment can be made, the memorandum will be approved and returned to the requester. If the initial review indicates that payment cannot be made, the Chief Certifying Officer will convene a meeting with the requisitioner and a representative from the General Counsel. The Chief Certifying Officer will approve or decline payment based on available legal and policy guidance.

(c) The approved memorandum will be attached to the Purchase Request when it is sent to the CO for action. If the CO receives a PR for an item as described in this part without the memorandum indicating that payment will be made, the PR shall be returned to the requisitioner with a memorandum stating that the procedures described in this subpart must be followed.

(d) When the purchase is executed, the CO will write the contract number on the approved memorandum, retain a copy for the contract file, and send the original to Disbursement Operations with the contract/purchase order attached.

6.10 PRODUCT/CONTRACTOR INFORMATION.

(a) **INFORMATION:** The requisitioner and the CO form a partnership in obtaining the goods and services needed to execute BPA programs. While the CO is the source selection official, the program office determines what is needed to best execute the program. Requisitioners, Quality Assurance, and other technical personnel are often prime sources of information on the capabilities of various products or suppliers, as they are frequently in contact with a wide variety of firms providing goods or services used by BPA. Therefore, they are in a position to provide information that will help the CO in the selection of suppliers.

(b) **INFORMATION:** Requisitioners are encouraged to provide COs with information about potential suppliers or products which would meet the project needs. Such information could include information on each potential supplier, product, or service, relative quality, price and delivery terms.

(c) **POLICY:** Requisitioners may independently contact potential suppliers for product and pricing information at any time prior to initiation of purchasing action as represented by the submission of a PR to the CO. During any contacts with prospective or actual BPA supplier, however, personnel other than COs are required to emphasize that--

(1) The discussion is for the purpose of obtaining information, not placing an order;

(2) The person is not authorized to issue an order, and any order will be placed by a BPA CO;

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(3) The firm is not authorized to expend any money based on this contact; and

(4) The firm is not authorized to expect an award.

(d) **POLICY:** Requisitioners should clearly communicate to the supplier or prospective vendor that the contact is for research purposes only and does not include any commitment to purchase.

6.11 LEASING CONSIDERATIONS.

6.11.1 Equipment Lease or Purchase.

(a) **POLICY:** Program offices should consider whether to lease or purchase equipment based on a case-by-case evaluation of comparative costs and other factors.

(b) **PROCEDURE:** The decision to lease or buy should be based on an analysis and comparison of all cost factors, such as lease and purchase costs, and maintenance expenses, which are extended over the period of anticipated use of the equipment (Total Cost of Ownership or Life Cycle Costing). After the costs of leasing and purchase have been compared, other non-financial issues should be considered. These include: the state of the technology and the probability of rapid change in the capabilities of newer machines, the lack of control which results from not owning the equipment, availability of funding for the purchase, length of time the equipment will be required, etc. COs are available to discuss, investigate and help requisitioners consider these alternatives. The program office shall maintain documentation of such analyses.

6.11.2 Reserved.

6.12 TRADE-IN OF PERSONAL PROPERTY.

POLICY:

(a) BPA may trade in non-excess personal property concurrent with the purchase of similar replacement items. Such a trade-in may be desirable because it will result in a trade-in allowance against the cost of the new purchase.

(b) BPA may trade, without monetary appraisal or detailed listing or reporting, books and periodicals in its libraries not needed for permanent use for other books and periodicals.

(c) The sale (other than by a trade-in) of personal property is not covered by this subpart. See BPA Personal Property Instructions (PPI), Part 5 and PPI Appendix 5-A.

(d) BPA shall seek the maximum return for any item of property to be traded, when compare to the effective amount of credit BPA would otherwise receive against its U. S. Treasury debt if the property is transferred to another Federal agency. This credit is not provided when property is traded in on a purchase of similar property. Therefore, requisitioners should assess the benefits from each approach before determining the approach to take.

(e) A trade-in is authorized only when ALL the following conditions apply:

(1) The items traded and the items acquired are similar in function, unless otherwise approved by the HCA/OPMO;

(2) The items traded (with the exception of automatic data processing equipment to be exchanged by GSA) are not excess;

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(3) One item is acquired to replace one similar item. However, there need not be one-for-one replacement if more or fewer items must be acquired to perform the tasks for which the old items were used; or the items being traded are containers; and

(4) The provisions of Part 5 of the PPI have been met.

(f) All categories of non-excess personal property (except high-risk items as defined in PPI Part 1) are eligible for trade-in consistent with good business practice and program requirements.

(g) Before issuing a solicitation or otherwise entering into a contract involving the trade-in of property the requisitioner shall provide the CO with a copy of the Asset Center Representative's cost disposal analysis and approved Property Survey Report, and any restrictions or limitations that apply to the solicitation for exchange. See BPI 7.2.10 for CO responsibility for trade-ins.

6.13 OMB CIRCULAR A-76 PROCEDURES.

(a) **POLICY:** BPA shall (a) generally rely on commercial sources for supplies and services while recognizing that some functions are inherently Governmental (see subpart 23.1.4) and must be performed by Government personnel, and (b) give appropriate consideration to relative cost in deciding between Government performance and performance under contract.

(b) **PROCEDURES:** Policies and procedures for use in analyzing purchases of certain commercial or industrial products and services are contained in (a) OMB Circular No. A-76 (the Circular), Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, and (b) the Cost Comparison Supplement (the Supplement), Supplement No. 1 to OMB Circular No. A-76.

(c) **INFORMATION:** If a solicitation is to be issued to support an A-76 analysis, contact the HCA for appropriate clauses.

6.14 ENERGY CONSERVATION AND ENVIRONMENTAL CONSIDERATIONS.

(a) **POLICY:** Whenever program personnel determine that the results would be meaningful, practical, and consistent with BPA programs and needs, BPA shall apply energy conservation, energy efficiency, and environmentally preferable criteria to purchases. In preparing solicitations and evaluating and selecting offers for award, BPA shall consider these criteria along with other best buy factors. In doing so, BPA should consider energy use and efficiency labels and, as they become available, energy efficiency standards.

(b) **INFORMATION:** The purchase of certain items, in particular energy or water using products, is controlled or restricted by unique rules and guidance that are beyond scope of this purchase policy. BPA Appendix 6-A-2 contains a list of these items and the BPA organization that must be consulted prior to purchase. These controlling organizations are responsible for establishing the agency standards for environmentally preferable and energy efficient products. For example, the IT organization establishes the agency standard for personal computing equipment and incorporates appropriate e-waste criteria in that standard, and Workplace Services establishes the standard for acquiring Energy Star rated break room appliances. Controlling organizations and Contracting Officers can obtain technical support from the BPA Pollution, Prevention, and Abatement organization when defining needs and acquiring products with recycled content, using environmentally preferable manufacturing processes, and identification of products that can be recycled. With respect to acquisition, this represents implementation of Executive Orders 13101 and 13123.

(c) **INFORMATION:** The DOE and EPA have published guides and developed websites to address environmentally preferable and energy saving assessments during the standards definition and purchase process. Refer to Appendix 6-A Section 5 for more information.

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6.15 STRATEGY PANELS.

(a) **POLICY:** The purpose of a Strategy Panel is to establish a strategy for sensitive and mission critical procurements that maximizes the probability of a successful procurement through identification and mitigation of high probability and high consequence risks. Purchases or groups of related purchases in excess of \$500,000 that pose significant risks to the agency and are mission critical as determined by the CO, Performance Manager, Program/Project Manager, Sourcing Services Manager, Chief Supply Chain Officer, HCA, or Administrator's office, shall be subject to a Strategy Panel. Strategy panels are not normally convened for new awards and modifications to awards with federal, state, or local governments, if the entity has sole jurisdictional control over the affected program or project site.

(b) **INFORMATION:**

(1) The purpose of the panel is to assist the CO and other purchasing team members by insuring that all risk factors relevant to the procurement have been identified and analyzed to develop a purchase strategy that incorporates treatments to mitigate or eliminate high probability and high consequence risks.

(2) Such panels may be used for specific contracts (contract strategy panels) or for projects that will require multiple contracts that could impact each other (business strategy panels).

6.15.1 Designation of Strategy Panel Members.

PROCEDURES: The Chief Supply Chain Officer (or designee), shall chair the strategy panel for purchasing activities. The panel chairperson will designate members of the panel as necessary for a specific contract, and include the Head of Contracting Activity (HCA) or designee. Legal counsel and Risk Management staff shall be invited to participate.

6.15.2 Selection of Program/Purchase Actions for Review.

PROCEDURES: In selecting purchasing actions for review, the CO and Chairperson shall conduct a risk assessment that considers factors such as:

Dollar value of the proposed purchase;

Dollar value of the total project;

Contract/project complexity and financial risk;

Contract/project uniqueness;

Sensitivity of the contract/project;

Public impact of the contract/project;

Other unusual or nonstandard characteristics;

Transactions which contemplate the use of multiple indefinite quantity indefinite delivery contracts constituting a "pool" or "stable" of contractors available for the same type of work; and

Unique or high safety or work practice hazards.

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6.15.3 Operation of the Strategy Panel.

PROCEDURES:

(a) The panel shall be convened prior to finalization of the specifications or work statement and early enough in the process so that BPA has not committed to any given approach.

(b) At the panel meeting, presentations by the Program Office and the CO shall describe alternative courses of action and the recommended strategy to purchase the requirement as specified, on schedule, and within budget. The Program Office and the CO jointly prepare and deliver this presentation. It must describe their assessment of the critical risks associated with the procurement and explain how the recommended purchasing strategy will eliminate or mitigate the impact of those risks.

(c) The panel will consider the overall business strategy for the program or projects, the management plan, purchasing, contractual, and related business approaches which are appropriate to the proposed project or contract. The panel will also review the risk analysis conducted by the CO and Program/Project Manager

(d) Minutes of panel meetings, including the advisory recommendations of the panel, shall be prepared but will be limited to documentation of major points and issues discussed. The CO has final authority regarding whether or not to follow the panel's recommendations. The reasons for not following these recommendations shall be documented in the file.

6.16 RATIFICATION OF UNAUTHORIZED CONTRACT COMMITMENTS

INFORMATION. As described in BPI 2.4.1, only BPA employees who possess written delegation of authority from the HCA may commit BPA funds or enter into a contract. All other commitments are unauthorized, and must be ratified by a CO or the HCA. See Appendix 6-A, Requisitioner's Guide to Preaward Activities, Part 3.5, for requisitioner procedures concerning ratification, and BPI 2.4.2 for CO responsibilities.

6.17 CONTRACTS WITH FEDERAL EMPLOYEES.

6.17.1 Contracts With Current Federal Employees.

POLICY: BPA shall not knowingly award a contract to a Federal employee or to a business concern owned or substantially controlled by one or more Federal employees.

6.17.2 Contracts With Former BPA Employees.

POLICY: BPA may enter into contracts with former BPA employees so long as all applicable legal and regulatory requirements are met, including BPI 23.1.2 and 23.1.4. No special documentation is required for contracts with former employees if multiple sources were considered under 11.6. When contracts are contemplated with former BPA employees without considering multiple sources other than ex-BPA employees, the cognizant Vice President, must approve the PR and forward a copy to the HCA.

6.17.3 Contracts With Other Federal Annuitants.

POLICY: BPA may enter into contracts with Federal annuitants so long as all applicable legal and regulatory requirements are met, including BPI 23.1.2 and 23.1.4. No special documentation is required when contracting with Federal annuitants.

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6.50 TEXT OF CLAUSES.

The following clauses are referred to in BPI Part 6:

6-1 Alternative to Brand Name Requirement

6-2 Printing

Clause 6-1 ALTERNATIVE TO BRAND NAME REQUIREMENT (Oct 93)(BPI 6.4.1.1)

Notwithstanding the requirement for a specific brand name contained in this solicitation, BPA reserves the right to award to the best buy offer. Offerors submitting products other than the one specified which they believe will provide the same or improved performance will receive consideration if such products are clearly identified in the offers and are determined by BPA to meet its basic requirements. Unless the Offeror clearly indicates otherwise, the offer shall be considered as offering a brand name product specified. BPA's judgment concurring the acceptability of alternative products will be final.

(End of clause)

Clause 6-2 PRINTING (Oct 93)(BPI 6.8.3.1)

The contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the U.S. Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: Provided, however, that performance of a requirement under this contract involving the duplication of less than 5,000 copies of a single unit, or no more than 25,000 units in the aggregate of multiple units, will not be deemed to be printing. A unit is defined as one sheet, size 8-1/2 by 11 inches, one side only, one color.

(a) The term "printing" includes the following processes: composition, plate making, presswork, binding, microform publishing, silk screening, or the end items produced by such processes.

(b) If fulfillment of the contract will necessitate reproduction in excess of the limits set forth above, the contractor shall notify the Contracting Officer in writing and obtain the contracting officer's approval prior to acquiring on BPA's behalf production, purchase, and dissemination of printed matter.

(c) Printing services not obtained in compliance with this guidance may result in the cost of such printing being disallowed.

(d) The Contractor shall include in each subcontract hereunder a provision substantially the same as this clause including this paragraph (d).

(End of clause)