

(Updated through FAC 2005-16)

HHS Acquisition Plan (AP)

Instructions and Templates for Completing an Acquisition Plan

Purpose: This document provides the instructions and templates for completing an Acquisition Plan (AP).

Requirements and Responsibilities: A written AP is required to support proposed acquisitions expected to exceed \$500,000 (inclusive of options), with certain exceptions (see HHSAR 307.7101). HHSAR 307.7107 summarizes the responsibilities of the various organizations and officials for acquisition planning. The Project Officer (PO) has the ultimate responsibility, with assistance from the Contracting Officer/Contract Specialist (CO/CS), to complete the AP. The PO must coordinate with the CO/CS as early as possible [see HHSAR 307.104(c) and (e)] in the development of the AP. Timely award of an acquisition depends on receipt of an accurate, complete, and approved AP in the contracting office. The PO must provide the signed AP to the Chief of the Contracting Office (CCO) or designee no later than the date agreed to by the CO and PO in the acquisition milestone schedule (see Part V of the AP), unless a revised due date has been established by mutual agreement.

The AP consists of seven (7) separate parts.

- Part I: Transmittal and Approval Form
- Part II: Summary Sheet
- Part III: Project Considerations and Information
- Part IV: Clearance/Approval Checklist
- Part V: Acquisition Milestone Schedule
- Part VI: Independent Government Cost Estimate
- Part VII: Attachments

Within each of the seven parts, there are required components that cannot be modified by an OPDIV and specific areas where changes may be made. The table below cites the titles, paragraph/subparagraph headings, narrative, and other requirements that must appear in each part of an AP in the specified format, as well as permissible modifications.

AP Part	AP Requirement and Permissible Modifications
Part I – Transmittal and Approval Form	<ol style="list-style-type: none"> 1. “Acquisition Plan” title. (<u>Permissible Modification</u>: An OPDIV may add its name/acronym to the title.) 2. “Project Title” heading. (<u>Permissible Modification</u>: An OPDIV may add an identification number, such as the RFP, requisition, or other number.) 3. The two-paragraph certification statement with the six bulleted items, beginning with “This document transmits the...” and ending with “...for which the appropriation was made” in the last bullet. 4. Signature and date by the PO, CO, and head of the sponsoring program office, at a minimum. (<u>Permissible Modification</u>: An OPDIV may include additional signatures.) 5. Completion of the Funding Official’s certification.
Part II – Summary Sheet	<ol style="list-style-type: none"> 1. Part II – Summary Sheet title and footnotes. 2. All 14 information items in the order specified with accompanying checkboxes and fill-ins. (<u>Permissible Modification</u>: An OPDIV may expand item 14, Estimated Contract Obligations).
Part III – Project Considerations and Information	<ol style="list-style-type: none"> 1. Part III – Project Considerations and Information title. 2. All bolded paragraph/subparagraph headings in the order specified except for those that appear as a “NOTE” or are part of checkboxes. Items that do not apply to a specific acquisition must be labeled “N/A.”
Part IV – Clearance/Approval Checklist	<ol style="list-style-type: none"> 1. Part IV – Clearance/Approval Checklist title. 2. All bolded clearance titles in the order specified with accompanying checkboxes. (<u>Permissible Modification</u>: An OPDIV may expand the form to include additional pre-award clearances/approvals beyond the blocks provided.)

AP Part	AP Requirement and Permissible Modifications
Part V – Acquisition Milestone Schedule	<ol style="list-style-type: none"> 1. Part V – Acquisition Milestone Schedule title. 2. The bolded table column headings. 3. The steps in FAR 7.105(b)(20), all of which must have been addressed in other parts of the AP or included as a milestone. The schedule shall also include a milestone indicating when the PO will provide the AP to the CCO or designee. (<u>Permissible Modification</u>: An OPDIV may stipulate additional milestones and tailor them to the specific acquisition.) 4. Signature and date by the PO, Alternate PO (if applicable), CS, and CO. (<u>Permissible Modification</u>: An OPDIV may require additional signatures based upon the dollar amount and/or type of acquisition.)
Part VI – Independent Government Cost Estimate	<ol style="list-style-type: none"> 1. Part VI – Independent Government Cost Estimate title. 2. All direct, indirect, and profit/fee cost/price factors, as applicable, including separate estimates for all performance increments such as options and incrementally funded periods.
Part VII – Attachments	<ol style="list-style-type: none"> 1. Part VII – Attachments title.

Complete each part of the AP according to its specific accompanying instructions, with attachments included and referenced, as applicable. The instructions appear in “red.” In accordance with OPDIV procedures, the instructions may be included in, or deleted from, the final AP. Do not include this introductory page (i.e., the Purpose and the Requirements and Responsibilities sections) in the AP. The completed AP should begin with the Part I Transmittal and Approval Form.

Part I –Transmittal and Approval Form

Complete all information as follows and provide the completed form as Part I of the AP.

- a. **“To:”** Insert the name of the CCO or designee and his/her organization’s name.
- b. **“From:”** Insert the name of the Head of the Sponsoring Program Office for the project (typically a Division Director or equivalent), his/her title, and organization name.
- c. **“Project Title:”** Insert the full title of the proposed project as it will appear in the solicitation document.
- d. **“Signature Blocks:”** These blocks must contain the names, titles, and signatures of the officials who sign the AP, in accordance with the signature requirements specified in HHSAR 307.7104 and OPDIV policies. Signature by the Funds Certification Official should precede that of the Head of the Sponsoring Program Office and CO.

To:

From:

Project Title:

This document transmits the required Acquisition Plan (AP) for the proposed solicitation and award of the above-referenced project. The AP complies with HHS Acquisition Regulation (HHSAR) Subpart 307.71, *Acquisition Plan*, and applicable OPDIV guidance. The AP consists of the following parts:

- Part I: Transmittal and Approval Form
- Part II: Summary Sheet
- Part III: Project Considerations and Information
- Part IV: Clearance/Approval Checklist
- Part V: Acquisition Milestone Schedule
- Part VI: Independent Government Cost Estimate
- Part VII: Attachments

Signature by the Head of the Sponsoring Program Office and other AP signatories verifies that the AP has been reviewed and, as required by HHSAR 307.7104, certifies that the AP provides all required information in the prescribed format and the following:

- Vague and ambiguous language has been eliminated;
- A thorough technical review of the Statement of Work/Specification has been completed;

- The project is structured by phases or tasks, as appropriate;
- Methods are available to assess the contractor's performance;
- The acquisition mechanism is appropriate (i.e., the principal purpose of the project is to acquire supplies or services for the direct benefit or use of the Government); and
- The planned obligation of appropriated funds for the project satisfies a *bona fide* need of the requiring office arising in the fiscal year for which the appropriation was made.

OFFICIAL	NAME & TITLE	SIGNATURE	DATE
PROJECT OFFICER (PO)			
PO'S IMMEDIATE SUPERVISOR			
HEAD OF SPONSORING PROGRAM OFFICE			
CONTRACTING OFFICER (CO)			

Funding Official's Certification: (To select an item, double click on the appropriate box and select the default value "Checked.")

- I hereby certify that funds are committed for the first funding phase of this acquisition. Any future year(s) increments/planned obligations will be indicated in the resulting contract/order.
- Funds are not currently committed for the project. **NOTE:** State when funds will be committed for the project, if funds are not committed when the AP is completed.

	NAME & TITLE	SIGNATURE	DATE
FUNDS CERTIFICATION OFFICIAL			

Part II – Summary Sheet ¹

Complete all items below and provide the completed form as Part II of the AP. The items are self-explanatory and provide a summary of the major aspects of the proposed acquisition.

1. Requirement type:
 - R&D
 - R&D support services
 - Support services (non-R&D)
 - Supplies/equipment
 - Construction
 - A & E services
 - Design-build
 - Other (specify): _____

2. Proposed Action is a:
 - New requirement
 - Follow-on
 - Other (specify): _____

3. Proposed solicitation type and acquisition method:

<ul style="list-style-type: none"> <input type="checkbox"/> Request for proposal: <input type="checkbox"/> Request for quotation: <input type="checkbox"/> Task/delivery order (specify²): _____ <input type="checkbox"/> Commercial item acquisition <input type="checkbox"/> Broad agency announcement <input type="checkbox"/> Sealed bid <input type="checkbox"/> Other (specify): _____ 	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Competitive</td> <td><input type="checkbox"/> Noncompetitive</td> </tr> <tr> <td><input type="checkbox"/> Competitive</td> <td><input type="checkbox"/> Noncompetitive</td> </tr> <tr> <td><input type="checkbox"/> Competitive</td> <td><input type="checkbox"/> Noncompetitive</td> </tr> <tr> <td><input type="checkbox"/> Competitive</td> <td><input type="checkbox"/> Noncompetitive</td> </tr> </table>	<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive	<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive	<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive	<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive
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<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive								
<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive								
<input type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive								

4. Proposed contract/order type: **(check all that apply)**
 - Firm-fixed-price
 - Other fixed-price (specify, e.g., FPAF, FPIF): _____
 - Cost-Plus-Fixed-Fee
 - Other Cost Reimbursement (specify, e.g., CPAF, CPIF): _____
 - Time and materials
 - Indefinite Delivery (specify whether Indefinite Quantity, Definite Quantity, or Requirements): _____
 - Other (specify): _____
 - Completion form Term form

5. If this is a competitive acquisition, can it be set aside? yes no
 If yes, indicate set-aside type:
 - 8(a)
 - HUBZone
 - Service-disabled veteran-owned small business
 - Small business

¹ See completed Part III, Project Considerations and Information, for additional information regarding this project.

² Specify whether a task/delivery order will be placed under an: **IDIQ** (Indefinite-Delivery/Indefinite-Quantity Contract); or **FSS** (Federal Supply Schedule).

6. Will the acquisition involve contract bundling³? yes no
7. If a non-competitive acquisition, indicate proposed source: _____
8. Is peer review required of the project concept/technical proposal? yes no
9. Estimated number of awards: _____
10. Estimated start date: _____ Estimated completion date: _____
11. Will the award(s) be incrementally funded? yes no
12. Will the award(s) contain option periods? yes no
13. Will the award(s) contain option quantities? yes no
14. Estimated Contract Obligations (if other than one year increments, specify the number of months):

Year 1	Year 2	Year 3	Year 4	Year 5	Total
Months:	Months:	Months:	Months:	Months:	Months:
\$	\$	\$	\$	\$	\$

As applicable, provide a separate breakout below for the estimated dollar amount of option periods and/or option quantities and their proposed periods of performance.

Options	Totals
	\$
	\$
	\$
	\$
	\$

Total estimated contract amount including option periods/quantities: \$_____

15. Accounting and appropriation data for base award period: _____
16. Will the acquisition use a performance-based approach?⁴ yes no
 (If no, the rationale must be provided. See Part III, (a)(1)(c)).

³ **Contract Bundling** is the action of consolidating two or more requirements for supplies/services, previously provided or performed under separate smaller contracts, into a solicitation for a single contract for \$2 million or more (inclusive of options) that is likely to be unsuitable for award to a small business.

⁴ If over 50 percent of the scope of work is performance-based, then the entire acquisition is considered performance-based.

Part III – Project Considerations and Information

Complete all information below and provide the completed form as Part III of the AP.

A completed Part III must contain all of the bolded headings in the specified order. Place the AP narrative information directly under the applicable heading where instructions are provided. If a section, subsection, or subparagraph heading that includes instructions does not apply to the proposed acquisition, indicate “N/A” next to the heading. In accordance with OPDIV procedures, the instructions may be included in, or deleted from, the final AP. Include lengthy documents, such as the Statement of Work (SOW), as attachments in Part VII.

(a) Acquisition Background and Objectives.

(1) Statement of Need.

a. Project Purpose, Feasible Alternatives, and Related Projects.

Provide a brief description of the purpose of, and need for, the proposed requirement. In addition, discuss the following items:

1. **Acquisition Alternatives.** Discuss feasible acquisition alternatives considered and discuss the impact of prior acquisitions as they relate to the alternatives considered. Discuss the potential for use of HHS-wide Acquisition Contracts (HWACs), other Indefinite Delivery/Indefinite Quantity contracts (IDIQs), or GSA Federal Supply Schedule contracts to acquire the required supplies/services.

If consideration is being given to soliciting or acquiring a product or service from a source, other than HHS' strategic sourcing Blanket Purchase Agreements (BPAs) or contract closeout IDIQs, when the category of the current requirement (e.g., laboratory supplies, events management, contract closeout) is encompassed in the portfolio of existing BPA/IDIQ categories, a waiver request must be prepared and approved prior to acquiring the item/service [(see HHSAR 312.101(b)]. The instructions, including approval requirements and the waiver form, are available at:

http://dbh.ogam2000.com/HHS_Strategic_Sourcing/Data_Collection/waiver.asp

2. **Related Projects.** Discuss known related projects/in-house efforts, including those by other HHS OPDIVs or other Federal agencies (whether past, current, or planned) and actions taken to avoid duplication of effort. Justify any project overlap.
- b. **Background Statement.** Provide a brief factual summary of the technical and acquisition history of the requirement (including any legislative history). Discuss the scientific/technical context of the requirement and provide relevant prior acquisition information, including names of previous/incumbent contractor(s), periods of performance, and contract/order numbers. The background statement should normally not exceed one (1) page in length.
 - c. **Statement of Work.** Provide a Statement of Work (SOW) as an attachment to the AP. The SOW must be comprehensive and include the information necessary for prospective offerors to provide meaningful

proposals (see FAR 11.000 and HHSAR 307.7108).

NOTE: The term SOW includes by reference “Specification,” “Statement of Objectives” (SOO), and “Performance Work Statement (PWS)” throughout this document. To the maximum extent possible, define requirements using a PWS or SOO that focuses on outcomes or results (see FAR 37.6). Document the rationale if a proposed services acquisition will not use a performance-based approach. Also, if the proposed acquisition will use a performance-based approach, the Government may either prepare quality assurance requirements and a quality assurance surveillance plan or require offerors to submit them for the Government’s consideration in development of the Government’s plan (see FAR 46.4). If appropriate, include performance incentives.

(2) Applicable Conditions.

- a. **Compatibility.** Discuss any compatibility requirements with future/existing systems/programs.
- b. **Constraints.** Discuss the known cost, schedule, and capability/performance constraints.

(3) Cost.

- a. **Independent Government Cost Estimate.** See Part VI of the AP.
- b. **Cost Concepts to be Employed.** Discuss the applicability of life-cycle cost, design-to-cost, and application of should-cost techniques (see FAR 7.105(a)(3)).

(4) Delivery or Performance-period Requirements.

- a. **Period of Performance/Basis.** Specify the period of performance required for total performance and, if applicable, the estimated time for each phase indicated in the SOW. Describe the basis for establishing the contract/order delivery or performance schedule (see FAR 11.402).
- b. **Reporting Requirements and Deliverables.** List the technical and special reports/deliverables required (such as Earned Value Management System (EVMS) reports), including quantities needed, format, content, medium (i.e., hard copy, CD, etc.), addressee and address, and delivery schedule. Reporting requirements should be comprehensive and tailored to the acquisition, but not unnecessarily lengthy or detailed.

(5) Trade-offs. Discuss the trade-offs among the various cost, capability/performance, and schedule goals.

(6) Risks. Discuss the technical, cost, and schedule risks that may affect the ability to accomplish project objectives and what efforts are planned to minimize or reduce them. Examples of technical risks include the exposure to natural or human-induced hazards, animal colony outbreaks of disease, etc.

(b) Plan of action.

(1) Sources.

- a. **Potential Sources.** Provide a list of sources that may have the requisite capabilities to satisfy the requirement. Describe any market research performed (see FAR 10.002) to identify: (i) additional prospective sources

(e.g., women-owned and service-disabled veteran-owned small businesses) to supplement the list of known sources; and (ii) set-aside possibilities [i.e., 8(a); HUBZone; service-disabled veteran-owned small business; or small business (see FAR Part 19)]. Sources should include the name of the organization, address, and telephone number. Set-aside determinations must be coordinated with the OPDIV Small Business Specialist and documented by completion of HHS-Form 653, "Small Business Set-aside Review Form."

1. **Commercial Items.** Discuss whether commercial items or non-developmental items are available to meet the Government's needs or could be modified to meet the requirement (see FAR 12.101).
 2. **Priority Sources.** Discuss the potential applicability and use of required Government sources such as Federal Prison Industries, Inc. (UNICOR) and Javits-Wagner-O'Day (JWOD) to satisfy the requirement (see FAR 8.002).
- b. **Federal Business Opportunities (FedBizOpps).** Provide one or more of the following draft FedBizOpps notices as an attachment(s) to the AP, as applicable:
1. synopsis of proposed contract action (see FAR 5.201) unless one of the exceptions in FAR 5.202 applies;
 2. "sources sought" synopsis (see FAR 5.205 and 10.001) in the event the requirement is not recommended for a set-aside; and
 3. notice to support the justifications cited in (b)(2) a. and b. below regarding the exclusion or limiting of competition (see FAR 6.2 and 8.4).
- c. **Bundling Determination.** In accordance with FAR Part 7, review and approval of the AP certifies that the information below is correct as it relates to this acquisition: (check applicable box)
- Not applicable** – the estimated acquisition value is below \$2 million [FAR 7.104(d)(2)(i)(C)].
 - Not applicable** – while the estimated acquisition value is over \$2 million, this requirement is not a result of bundling.
 - * **Not applicable** – while the estimated acquisition value is over \$2 million and is a result of bundling, no small businesses are affected. Provide information required in accordance with FAR Part 7.105(b)(1).
 - * **Not applicable** – while the estimated acquisition value is over \$2 million and is a result of bundling, the contract or order is entirely reserved or set-aside for small businesses [FAR 7.104(d)(1)]. Provide information required in accordance with FAR Part 7.105(b)(1).
 - * **Applicable** – the estimated acquisition value is over \$2 million, the requirement is a result of bundling, and small businesses are

affected. Attach the justification, reviewed and approved by the Office of Small and Disadvantaged Business Utilization (OSDBU), HHS, through the Small Business Specialist (SBS). Provide information required in accordance with FAR Part 7.105(b)(1) and all information required by FAR 7.107.

* In accordance with FAR Part 7.105(b)(1), when the proposed acquisition strategy involves bundling, identify the incumbent contractors and contracts/orders affected by the bundling. Address the extent and results of the market research and indicate their impact on various elements of the AP.

- (2) **Competition.** Describe how competition will be sought and promoted (see FAR 7.102 and 10.002(b)), including, if applicable, competition for major components or subsystems, spares and repair parts, and subcontract competition. Discuss the need for issuing draft solicitations and conducting pre-solicitation/pre-proposal conferences. Address the following items, if applicable:
- a. **Justification for Other than Full and Open Competition/Limited Sources Justification.** Provide a Justification for Other than Full and Open Competition (JOFOC) (see FAR 6.3 and HHSAR 306.3) or a Limited Sources Justification for orders placed under Federal Supply Schedules (see FAR 8.405-6) as an attachment to the AP for a proposed non-competitive acquisition.
 - b. **Justification for Acceptance of an Unsolicited Proposal.** Provide a Justification for Acceptance of an Unsolicited Proposal (JAUP) (see FAR 15.6 and HHSAR 315.6) as an attachment to the AP for acceptance of an unsolicited proposal.
- (3) **Source-selection procedures, criteria, and instructions.** See HHSAR 315.305(a)(3).
- a. **Technical Evaluation Criteria.** List the technical evaluation criteria, including criteria weights or order of importance. Evaluation factors may include, but are not limited to, understanding of the problem, technical approach, experience, personnel, and facilities. For a design-build source selection, provide the proposed Phase I and Phase II evaluation criteria. For a design source selection, provide the proposed initial selection evaluation criteria and final selection (interview) evaluation criteria. Also, if applicable, indicate whether there will be a design competition and the factors that will be used.
 - b. **Mandatory Criteria.** List any mandatory qualification criteria – for example, geographic restrictions, ownership of a license or patent, or certifications/accreditations. Because of their effect on competition, include the rationale for using such factor(s).
 - c. **Evaluation Strategy.**
 - 1. **Technical Evaluation Panel.** Provide names, addresses (including e-mail), and telephone numbers of suggested technical evaluation panel members (specify whether they are Federal or non-Federal) or identification of the standing Board/Panel that will evaluate

proposals. If panel members will be non-Federal, rather than staff within the agency or from another agency, explain why [see FAR 37.203(d), 37.204, and HHSAR 315.305(a)(3)(i)(B)(2)].

2. **Conflict of Interest.** Identify any potential conflict of interest situations, if known [see HHSAR 315.305(a)(3)(i)(B)(3)]. Otherwise, add a statement that “Conflict of interest certifications will be obtained upon receipt of proposals and finalization of the technical evaluation panel.”
 3. **Source Selection Procedures.** Discuss the source selection procedures for the acquisition, including the use of formal source selection procedures, if applicable. When an EVMS is required (see FAR 34.2) and a pre-award Integrated Baseline Review (IBR) is contemplated, discuss (i) how the pre-award IBR will be considered in the source selection decision; (ii) how it will be conducted; and (iii) whether offerors will be compensated for the costs of participating in a pre-award IBR.
 4. **Cost/Price Significance.** Indicate the significance of cost/price in the award decision.
 5. **Past Performance.** If past performance is not one of the evaluation factors, provide the reason(s) it is not an appropriate evaluation factor for the acquisition.
 6. **Small Business Subcontracting and Small Disadvantaged Business (SDB) Participation Plans.** If applicable, describe how these plans will be evaluated. If not applicable, state why (see FAR 19.12).
- d. **Peer Review.** Discuss the applicability of peer review [see HHSAR 315.305 (a)(3)(ii)(F)(1)] in the project concept or evaluation stage, explaining whether or not this acquisition involves R&D, R&D support services, or other programmatic contracts that may require peer review. Provide a copy of “concept review” minutes, if applicable, as an attachment to the AP. If the project has been excluded from concept review, or the concept review has been deferred, attach a copy of the basis for the exclusion or deferral.
 - e. **Pre-award Site Visits/Surveys.** Discuss the need for pre-award site visits or surveys and their timing.
 - f. **Additional Technical Proposal Instructions.** List any technical proposal preparation instructions that are unique to the proposed requirement. Such instructions are meant to provide a clearer understanding to offerors of the solicitation and its requirements. Also, instructions may request specific information from offerors to demonstrate: (i) their understanding of the solicitation’s requirements; (ii) their capability to accomplish the work; and (iii) their ability to satisfy the technical evaluation criteria.
 - g. **Additional Business Proposal Instructions.** List any business proposal preparation instructions that are unique to the proposed requirement. Typically, these instructions provide uniform cost assumptions for all offerors to address in their business proposals. Items covered may

include meetings and their location; specifics regarding contractor-provided training; services/supplies/equipment to be procured by the contractor, etc.

- (4) **Acquisition Considerations and Special Requirements.** Discuss the following items, as applicable:
- a. **Solicitation Method.** Provide the rationale for selection of the sealed bid (see FAR 6.401 and 14.1) or negotiated acquisition method (see FAR Part 15).
 - b. **Type of Contract.** Provide rationale for the proposed contract type, including the use of a firm-fixed-price type of contract (see FAR 16.1). If the proposed contract type is other than a firm-fixed-price contract, provide rationale for not using a firm-fixed-price contract.
 - c. **Phasing.** Discuss the division of the requirement into discrete tasks or stages of accomplishment/phases, including the use of modular contracting for acquisition of information technology (see FAR 39.103).
 - d. **Task Orders.** Discuss the use of task orders and why they are appropriate for the requirement.
 - e. **Performance Requirements.** Discuss special or unique performance or capability requirements. For a construction acquisition, indicate whether the requirement is for construction management services or involves the acquisition of construction manager-at-risk services.
 - f. **Options and Incremental Funding.** Discuss use of options (including quantities and the term of the option), incremental funding for multiple-year contracts, or other special acquisition methods. Explain the method that will be used to evaluate options (see FAR 17.2 and HHSAR 317.2).
 - g. **Subcontractors.** Discuss the need for, and use of, subcontractors to satisfy the requirement.
 - h. **Place of Performance.** Indicate whether a specific place of performance is necessary for accomplishment of the requirement. If the intended acquisition is for provision of services to be performed on a Government site, specify the controls for ensuring that contractor employees will not be subject, directly or indirectly, to Government supervision and direction (see FAR 37.103 and 37.104).
 - i. **Special Clauses.** Indicate whether any special contract clauses or FAR/HHSAR deviations are required (see HHSAR 301.4).
 - j. **Special Factors.** Indicate whether there are any special laws, regulations, or other factors (including the following) that may place restrictions on the proposed acquisition:
 1. **Buy American Act.** If the intended acquisition is for supplies to be used in the United States, the provisions of the Buy American Act may apply (see FAR 25.100). Include a statement in the AP as to the Act's applicability.
 2. **Trade Agreements.** Trade agreements may apply if services are to be performed outside of the United States (see FAR 25.400). Include a statement in the AP as to their applicability.

3. **Health Insurance Portability and Accountability Act (HIPAA).** The HIPAA may apply to certain health services research or clinical research. Include a statement as to the applicability of the HIPAA. See <http://www.hhs.gov/ocr/hipaa/> for further information.
4. **Security of Government Facilities, Information, and Information Systems.**
 - (a) **Homeland Security Presidential Directive/HSPD-12.** Include a statement as to the applicability of HSPD-12, which is designed to enhance security and reduce identity fraud related to routine contractor physical access to Federally-controlled facilities and/or routine access to Federally-controlled information systems. Consult with the OPDIV Personnel Security Officer, Information Security Officer, and/or Building Security Officer, as appropriate.
 - (b) **Privacy Act.** Indicate if any information or information system that the contractor will design, develop, maintain, use, or operate is subject to the Privacy Act or is otherwise considered sensitive and what protections will be established. The applicability of the Privacy Act should be determined after consulting with the OPDIV's Privacy Act Coordinator and the Office of the General Counsel, as necessary. Provide a copy of the most recent system notice as part of the AP (see FAR 24 and HHSAR 324.1 for further information).
 - (c) **Federal Information Security Management Act (FISMA).** Discuss the applicability of FISMA (44 U.S.C. 3544) to the proposed acquisition. FISMA requires agencies to identify and provide information security protections commensurate with security risks to Federal information collected or maintained for the agency and information systems used or operated on behalf of an agency by a contractor. Indicate how the anticipated contract/order will require the contractor to ensure the confidentiality, integrity, and availability of sensitive Federal information and/or Federal information systems, including whether the contractor will be required to develop an IT Security Plan (see FAR 7.103(u), 7.105(b)(17), and 39.101). Consult with the OPDIV Information Security Officer, as necessary.
5. **Classified Information.** Indicate how adequate security will be established, maintained, and monitored for classified data and matters.
6. **IT Acquisitions.** For proposed information technology acquisitions, discuss how the capital planning and investment control requirements of 40 U.S.C. 11312, Office of Management and Budget Circular A-130, and HHS have been met and how the acquisition benefits the Government (see FAR 7.103(t) and 39.1).
7. **Research Involving Human Subjects.** Discuss the potential for use of human subjects and whether their use is considered exempt or non-exempt (see 45 CFR 46.101(b)(1-6) and HHSAR 370.3).

8. **Research Involving Animals.** Discuss the potential for use of live, vertebrate animals in research, experimentation, biological testing, or related efforts (see Public Health Service Policy on Humane Care and Use of Laboratory Animals and HHSAR 370.4).
 9. **Paperwork Reduction Act.** Discuss whether the intended acquisition involves the collection of information from ten or more non-Federal persons as part of a survey or information collection (see 5 CFR 1320).
 10. **Printing.** Discuss whether the intended acquisition involves printing and high volume duplicating subject to authorization by the Joint Committee on Printing (JCP) of the U.S. Congress or if it meets any of the three exemptions under Title III of the Government Printing and Binding Regulations.
 11. **Audiovisual Materials, Publications, and Public Affairs Services.** Discuss whether the intended acquisition involves the production of audiovisual materials, publications, or public affairs services.
- k. **Travel.** Discuss any unusual travel requirements.
 - l. **Shipping/Packaging.** Discuss any special shipping or packaging requirements.
 - m. **Patient Populations.** Discuss specific patient populations.
 - n. **Purchase or lease of equipment.** Discuss comparative costs and other factors that led to the purchase or lease decision (see FAR 7.4).
 - o. **Websites.** Provide website addresses for additional information to be provided.
 - p. **Metric Measurement.** Discuss the applicability of the metric measurement system to the requirement [see FAR 7.103(m) and 11.002(b)].
- (5) **Electronic and Information Technology Accessibility Standards.** Provide a description and purpose of all electronic and information technology (EIT) to be developed, maintained, or used under this proposed acquisition. Discuss, in terms of the "EIT Accessibility Standards" (36 CFR Part 1194), how accessibility for all Federal employees and public users with disabilities will be ensured (see FAR 39.2). **NOTE:** This paragraph does not apply if one of the exceptions in FAR 39.204 applies. Include a statement explaining any exception used.
 - (6) **Contract Urgency Issues.** Describe any urgency issues that impact delivery/performance requirements.
 - (7) **Contractor versus Government Performance/Inherently Governmental Functions.** Address the consideration given to OMB Circular A-76 (see FAR 7.3) and indicate whether the intended acquisition is part of an A-76 study. The OMB Circular specifies that the Government should rely on private commercial sources for supplies/services while recognizing that some functions are inherently governmental (see FAR 7.5) and must be performed by Government personnel. Also, discuss the assumptions that determine whether contractor

rather than agency support will be used, including consideration of contractor or agency maintenance, servicing, and distribution of commercial items [see FAR 7.105 (b)(13)(i)].

- (8) **Post-Award Administration and Monitoring.** Discuss the need for a post-award conference and site visits during performance. Specify milestones that require periodic evaluation of the contractor's progress (including annual past performance evaluations). Delineate the frequency of performance evaluations as required by FAR 42.15. Discuss procedures for monitoring the contractor's progress, including use of any specific formal management system (such as an EVMS), test and evaluation program, inspection and acceptance criteria, or quality assurance procedures (see FAR 42.302 and HHSAR 342.7002). If an EVMS is to be used, discuss the methodology the Government will employ to analyze and use the earned value data to assess and monitor contract performance. Also, specify how the offeror's/contractor's EVMS will be verified for compliance with the American National Standards Institute/Electronics Industries Alliance Standard – 748, and the timing (pre- or post-award) and conduct of integrated baseline reviews (see FAR 34.202).
- (9) **Make or Buy.** Discuss consideration given to make or buy programs for negotiated acquisitions in excess of \$11.5 million (see FAR 15.407-2).
- (10) **Logistics Considerations.**
- a. **Warranties.** Discuss planned use of warranties.
 - b. **Standardization.** Discuss use of standardization concepts for future purchases [see FAR 7.105(b)(13)(iv)].
- (11) **Data Development, Data Rights, and Data.**
- a. **Data Development.**
 - 1. **Data Rights.** Discuss data to be developed under the proposed acquisition (see FAR 27.1), including data to be delivered with limited rights, data where title will not vest in the Government, and anticipated copyrights or patents.
 - 2. **Future Acquisitions.** Indicate whether the data will enable future acquisitions to be competitive and whether another acquisition, based upon the data generated by the proposed acquisition, is anticipated.
 - 3. **Disposition.** Specify anticipated replication, disclosure, dissemination, maintenance, disposition, estimated cost, and use of results/data from the contract/order effort and the user audience.
 - b. **Specific Copyright Provisions Applicable to Software Development and/or Enhancement.** [check applicable box(es)]
 - No software will be developed, modified, or enhanced under this proposed acquisition.
 - New software will be developed exclusively under the proposed acquisition. **If yes, complete below:**
 - The Government will require only the normally granted paid-up, world-wide irrevocable, nonexclusive license under this project.*
 - The Government will assert special copyright permissions/needs

under the acquisition. The specific requirements must be listed below. (Access to source code is an example of a special need.)*

***NOTE:** Under the provisions of the Rights in Data general clause (see FAR 52.227-14), contractors must seek permission to establish a copyright for software and associated data generated under a contract/order. Permission is normally granted, but the contractor must provide a paid-up, worldwide, irrevocable, nonexclusive license to the Government and to others acting on its behalf. However, the Government may not distribute the software publicly. If deemed appropriate, the OPDIV may require, on a case-by-case basis, that this license have a different scope than defined in the Rights in Data clause.

Existing software will be modified or enhanced under the proposed acquisition.

c. **Works other than Software Development and/or Enhancements.**

This includes audiovisual and media materials. The scope of the Government's interest in any copyright resulting from development of this kind of material should be handled on a case-by-case basis.

- (12) Government-furnished Property.** Identify any Government-furnished property, including materials, facilities, and equipment that are to be provided under the contract/order, either through purchase by the contractor or by transfer of existing property (for example, from an incumbent contractor). Provide a list designating the source of the property and include descriptive information, e.g., description, name, make, model, serial number, condition, and quantity.
- (13) Government-furnished Information/Reference Materials.** List all reference materials by title and description, such as manuals, test data, drawings, articles, and study reports, available to prospective offerors in preparation of their proposals and/or the contractor for use in performance of the contract/order. Indicate whether this material is currently available or when it will be available. If the solicitation will contain information that requires additional controls to monitor access and distribution (e.g., technical specifications, maps, building designs), the information shall be made available through the Federal Technical Data Solution (FedTeDS) unless an exception in paragraph (a)(5) of FAR 5.102 applies. The PO is responsible for securing space to establish a reading room where offerors may view the materials, if they are too bulky for the solicitation. The PO is responsible for control of this information and must keep a log as to who views the material. Copies can be made of the material that an offeror requests, but no original information may be taken from the reading room.
- (14) Environmental and Energy Conservation Objectives/Recovered Materials.** Describe the use of environmentally preferable and energy-efficient products or services, environmental assessments, or environmental/energy issues and their impact (see FAR 7.103(n) and 23). Discuss acquisition of products containing recovered materials (see FAR 11.3 and 23.4), including the special requirements for printing and writing paper (see FAR 11.303). If applicable, provide a justification for not buying EPA-designated recycled content and environmentally preferable and energy-efficient products and services as an

attachment to the AP using the form and criteria specified in Appendix A of the HHS Affirmative Procurement Plan.

Part IV – Clearance/Approval Checklist

Indicate all pre-award clearances/approvals that apply to the project by checking the appropriate blocks and provide the completed form as Part IV of the AP. Attach the necessary clearance/approval documentation, if available, in Part VII of the AP; otherwise, indicate when the clearance/approval will be provided. A reference(s) for each item is provided below. The Contracting Officer must ensure that all required pre-award clearances, approvals, and assurances are satisfied at the appropriate stage of the acquisition process. This list may not include all required clearances/approvals for a specific project. Consult the OPDIV Contracting Officer for further information.

- 1. Advisory and Assistance Services for Evaluation of Proposals.** See FAR 37.203(d), 37.204, and HHSAR 315.305(a)(3)(i)(B)(2).
- 2. Animal Welfare.** See the *Public Health Service Policy on Humane Care and Use of Laboratory Animals*, Revised 1986, and HHSAR 370.401.
- 3. Contracts with Federal Employees.** See FAR 3.6 and HHSAR 303.6.
- 4. Equal Employment Opportunity (EEO) Clearance.** See 41 CFR 60-1.29.
- 5. Foreign Research Contracts.** See the Foreign Relations Authorization Act (22 U.S.C. 2656d (a)).
- 6. Human Subjects.** See 45 CFR 46 and HHSAR 370.301.
- 7. Project Officer Training (Basic).** See HHSAR 307.170 and 307.170-1.
- 8. Public Affairs Services.** See the HHS Public Affairs Management Manual, 1986, at http://www.dhhs.gov/hhsmanuals/public_affairs.pdf
- 9. Other Clearance(s).** Specify the type of pre-award clearance/approval required and provide the necessary clearance information as part of the AP, if available; otherwise indicate when the clearance/approval will be provided.

Part V – Acquisition Milestone Schedule

Develop an Acquisition Milestone Schedule as Part V of the AP that is realistic and consistent with the requirements of the proposed acquisition. The acquisition milestones specified in the table below are examples and may not apply to every acquisition. The PO, Alternate PO, if

applicable, CS, and CO must sign the schedule where provided. The CO/CS must update and revise the schedule, as necessary, to track progress of the acquisition and maintain the schedule as part of the contract file. The milestone schedule signatories must mutually agree to any revisions to the milestone dates that will impact meeting the scheduled award date (see HHSAR 307.7106).

Acquisition Milestone Schedule		N/A	Target Date	Revised Date	Actual Date
1. Concept Review Completed					
2. Acquisition Plan (AP) Approved by CO					
3. Acquisition Plan Received by CCO or designee					
4. Market Research Completed					
5. Small Business Review Completed					
6. Small Business Bundling Determination Approved					
7. 8(a) offering letter sent to SBA					
8. SBA approval of acquisition in the 8(a) program					
9. Justification for Other than Full and Open Competition (JOFOC)/Limited Sources Justification (LSJ) Routed for Approval					
10. JOFOC/LSJ Approved					
11. Justification for Acceptance of Unsolicited Proposal (JAUP) Routed for Approval					
12. JAUP Approved					
13. FedBizOpps Synopsis Published					
14. Solicitation Issued					
15. Pre-proposal Conference Held					
16. Proposals/Quotations/Bids Received					
17. Initial Technical Review Completed					
18. Initial Technical Report/Minutes Received					
19. Competitive Range Determination Completed					
20. Site Visits/Surveys Completed					
21. Negotiations Start					
22. Negotiations Completed					
23. Final Proposal Revisions Received					
24. Final Technical Review Completed					
25. Final Technical Report/Minutes Received					
26. Source Selection Approved					
27. Dept of Labor EEO Clearance Obtained (over \$10M)					
28. Subcontracting Plan concurred with by SBO and PCR					
29. Internal Pre-award Review/Approval Completed					
30. External Pre-award Review/Approval Completed					
31. Contract Award Issued					
32. Post-award Notifications Issued					
33. Award Synopsis Published					
Project Officer Signature	Date	Contract Specialist Signature		Date	
Alternate Project Officer Signature	Date	Contracting Officer Signature		Date	

Part VI – Independent Government Cost Estimate

The Independent Government Cost Estimate (IGCE) must correspond to the proposed acquisition and is required as Part VI of the AP. Use an IGCE format prescribed by OPDIV procedures.

The IGCE assists in analyzing the cost of individual aspects of the overall project and serves as an important basis for determining the reasonableness of an offeror's proposed costs and understanding of the solicitation. Address all applicable information and contributing cost factors for the specific project where required on the prescribed OPDIV form, including, at a minimum, all direct, indirect, and profit/fee cost factors, as applicable, including separate estimates for all performance increments, such as options and incrementally funded periods. Include yearly and project totals. **NOTE:** For projects where use of the OPDIV-prescribed IGCE and its cost elements are not appropriate, the PO must provide other relevant information on which the estimated total dollar amount is based [see FAR 15.404-1(b).]

Part VII – Attachments

List and include all attachments, including their titles or other identifying information, in Part VII of the AP. Some information, depending on length, may be included in the AP rather than as an attachment. Examples of attachments are listed below.

- Background statement/project history
- Statement of work
- Quality assurance surveillance plan
- Reporting requirements
- Deliverables
- Potential sources and addresses
- Justification for other than full and open competition/Limited sources justification
- Justification for acceptance of unsolicited proposal
- Justification for not purchasing environmentally preferable products and services and Federal Energy Star® and energy-efficient products form
- Technical evaluation criteria/mandatory criteria
- Research & development project concept review minutes
- List of proposed technical evaluators
- Clearance/approval documentation
- List of Government-furnished property
- List of Government-furnished information/reference materials
- Additional technical proposal instructions
- Additional business proposal instructions
- Draft Federal Business Opportunities notice(s)