

## HHSAR Coverage on HHS Acquisition Plan (AP)

### **PART 307—ACQUISITION PLANNING**

1. Revise the following sections to read as follows:

#### **307.104 General procedures.**

- (a) Each contracting activity shall prepare an Annual Acquisition Plan (AAP) three to six months prior to the beginning of each fiscal year, but, in no event, later than the beginning of the applicable fiscal year. The AAP shall contain all anticipated acquisition actions for the coming fiscal year that exceed the simplified acquisition threshold, including new acquisitions and contract/order modifications. The AAP must include the aggregate dollars planned for simplified acquisitions by quarter. The Head of the Contracting Activity (HCA) or the Chief of the Contracting Office (CCO), as appropriate, shall prepare the AAP and obtain the information needed for its preparation from the responsible program planning/budget office and/or the program offices. The AAP shall be used for reporting purposes and workload scheduling and monitoring. The HCA/CCO and Small Business Specialist (SBS) shall carry out a review of the AAP at least quarterly and modify it, as appropriate, during the fiscal year.
- (b) For each action in the AAP that exceeds the simplified acquisition threshold, the plan shall contain, at a minimum:
  - (i) a descriptive title or brief description;
  - (ii) identification of the type of action (e.g., new award, follow-on, exercise of an option);
  - (iii) estimated award amount;
  - (iv) planned award date;
  - (v) small business considerations, including set-aside possibilities and subcontracting opportunities, if known;
  - (vi) name, telephone number, and e-mail address of the Project Officer (PO); and
  - (vii) any other OPDIV-required information.

- (c) Once the AAP is completed, the Contracting Officer (CO)/Contract Specialist (CS) shall initiate discussions as early as possible with the assigned PO, in consultation with the OSDBU Small Business Specialist, for each action covered by paragraph (b) above. The discussions should include the following, as appropriate:
  - (i) determining the intended acquisition strategy and contract/order type, including the use of options;
  - (ii) reviewing the statement of work/specification, if available, for adequacy and ensuring that a performance work statement is used for services, where practicable;
  - (iii) evaluating the potential for, and maximizing the use of, competitive procedures;
  - (iv) performing market research, identifying potential sources, and determining set-aside potential and small business subcontracting opportunities;
  - (v) assessing the availability of commercial items;
  - (vi) determining required clearances/approvals and supporting documentation; and
  - (vii) preparing an acquisition milestone schedule.
- (d) The HCA or designee (not lower than the CCO) shall establish standard lead-times for processing various types of acquisitions and applicable fiscal year deadlines for receipt of requirements to allow for well-planned and timely awards. The PO shall initiate planning, to the extent possible, for certain requirements, such as major information technology investments, large construction projects, and R & D projects that require peer review, at least 24 months before planned award, given the clearance/approval requirements and lead-time required for such complex acquisitions.
- (e) The outcome of the discussions referenced in paragraph (c) above shall be an agreement concerning the acquisition approach and documentation required. For those actions that require development of a written acquisition plan (see 307.7101), for which the PO has ultimate responsibility, these discussions shall also result in an agreement concerning:
  - (i) which elements of the acquisition plan the CO/CS will assist the PO in preparing; and
  - (ii) the date (as specified in the milestone schedule) the PO will provide the acquisition plan to the CCO or designee.

### **307.105 Contents of written acquisition plans.**

FAR 7.105 specifies the content requirements of a written acquisition plan. Subpart 307.71 incorporates and supplements those requirements.

### **Subpart 307.71 Acquisition Plan**

#### **307.7100 Scope of subpart.**

FAR 7.102 requires that acquisition planning be performed for all acquisitions. This subpart establishes: (a) when a written acquisition plan (hereafter referred to as an AP) is required; (b) its contents and format; and (c) the need for review of the AP to certify that it is accurate, complete, and in the proper format. This subpart also establishes the documentation requirements for those acquisitions not requiring an AP.

#### **307.7101 Policy.**

- (a) An AP is required for all acquisitions to be placed by an HHS contracting office expected to exceed \$500,000 (inclusive of options) with the following exceptions:
  - (i) letter contracts;
  - (ii) unsolicited proposals;
  - (iii) regulated utility services available from only one source;
  - (iv) proposals under the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs;
  - (v) acquisition of commercial items/services (see FAR 2.101), including orders placed under Federal Supply Schedule contracts meeting the definition of a commercial item/service, not exceeding \$5.5 million (\$11 million for acquisitions as described in FAR 13.500(e));
  - (vi) task orders or delivery orders of any dollar amount placed under: (a) an Indefinite-Delivery, Indefinite-Quantity (IDIQ) contract, other than a Government-wide Acquisition Contract (GWAC), or (b) a Blanket Purchase Agreement (BPA), provided there is an approved acquisition planning document for the original action, and there is no significant deviation from that plan;
  - (vii) orders of any dollar amount placed under HHS-wide Acquisition Contracts (HWACs);
  - (viii) contract/order modifications that (a) exercise options; (b) provide

incremental funding; or (c) make changes authorized by the Changes clause; and

- (ix) assisted acquisitions (see 317.7002) processed pursuant to an interagency agreement. However, the OPDIV must comply with the requirements specified in Subpart 317.70, Interagency Acquisition.
- (b) In urgent or other justifiable cases, such as an emergency acquisition (see FAR Part 18), the HCA may waive in writing the requirement for completion of an AP. A waiver request shall not be approved due to the lack of advance planning. At a minimum, a waiver request must include the following:
  - (i) a description of the requirement, including estimated cost/price and period of performance (inclusive of options);
  - (ii) the rationale for the waiver request; and
  - (iii) signatures of the PO and CO.

The OPDIV shall provide the Assistant Secretary for Administration and Management, Office of Acquisition Management Policy (ASAM/OAMP), a copy of an approved waiver request within 5 business days after HCA approval.

- (c) For those acquisitions not requiring an AP, other than assisted acquisitions processed pursuant to an interagency agreement [see 307.7101(a)(ix)], the PO must provide a document (e.g., memorandum, requisition, or other form of transmittal) to the CCO or designee, requesting that the required action be completed. The request must include, as applicable: a statement of work/specification (including deliverables and reporting requirements); a certified funding document; source selection strategy and criteria; necessary clearances, approvals, and justifications (e.g., justification for non-use of an applicable HWAC or Justification for Other Than Full and Open Competition); a milestone schedule; and an independent Government cost estimate. In addition, OPDIVs should use the content requirements of the AP as a reference in determining what other information and documentation is necessary to support the intended acquisition. Alternatively, OPDIVs may prescribe use of an AP for acquisitions excepted under 307.7101(a)(i) through (a)(viii).

### **307.7102 Content.**

In accordance with 307.105, the FAR, HHSAR, and other Federal requirements that must

be considered in developing an AP, as well as its format, are stipulated in 307.7103. An AP must address each applicable element. As indicated in the instructions, elements that are not applicable to an individual acquisition shall be marked “N/A.” The scope and depth of an AP may vary depending on the nature, complexity, and estimated cost of the proposed acquisition. As a result of new or revised FAR requirements or other Federal directives:

- (a) the HCA or designee may make any needed interim changes to the AP;
- (b) the HCA or designee must notify ASAM/OAMP of the need for revision(s) to the AP; and
- (c) ASAM/OAMP will update the AP, which would supersede any interim HCA (or designee) changes made to the AP for future acquisitions.

**307.7103 Format.**

- (a) HHS has established a standard format for preparing an AP, which can be accessed at: (*specify website address – to be determined*).
- (b) OPDIVs may (i) use the prescribed format without modification; or (ii) use it as a guideline, as long as the format used by the OPDIV complies with the requirements specified in subparagraphs (c) and (d) below.
- (c) An AP must consist of seven (7) parts with standard headings, as follows:

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

- (d) 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 in the *Requirements and Responsibilities* section of the AP 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.

**307.7104 Review and Certification.**

Before the PO transmits the AP to the CCO or designee (see 307.7105), the head of the sponsoring program office (typically a Division Director or equivalent), PO, Funds Certification Official, CO, and other signatories in accordance with OPDIV policies, shall review the AP and certify that it provides all required information in the prescribed format and the following:

- (a) vague and ambiguous language has been eliminated;
- (b) a thorough technical review of the statement of work/specification has been completed;
- (c) the project is structured by phases or tasks, as appropriate;
- (d) methods are available to assess the contractor’s performance;
- (e) 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
- (f) 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.

**307.7105 Transmittal.**

The PO shall convey the signed AP to the CCO or designee by providing a completed Part I – Transmittal and Approval Form, with other parts of the AP attached, no later than the date agreed to in the acquisition milestone schedule, unless a different date has been established by mutual agreement.

**307.7106 Acquisition milestones.**

The CO/CS shall retain the acquisition milestone schedule in the contract file and update/revise it to track progress of the acquisition. The milestone schedule signatories (see the *Requirements and Responsibilities* section of the AP – Part V of the table) must mutually agree to any revisions to the milestone dates that will impact meeting the scheduled award date. Failure to meet established milestones should be reported to a higher level official in accordance with OPDIV procedures.

**307.7107 Responsibilities**

The following table summarizes the responsibilities of the various organizations and officials for acquisition planning:

<b>Acquisition Planning</b>	<b>Responsible Organization/Official</b>	<b>HHSAR Reference</b>
Make necessary interim changes to the AP and notify ASAM/OAMP of changes needed	OPDIV HCA or designee	307.7102
Update the AP to reflect new or revised FAR and other Federal directives	ASAM/OAMP	307.7102
Prepare the AAP and update it quarterly, as appropriate	OPDIV – HCA/CCO	307.104, subparagraph (a)
Establish standard acquisition lead-times and deadlines for receipt of requirements for award in an applicable fiscal year	OPDIV – HCA/CCO	307.104, subparagraph (d)
Identify and plan requirements, particularly complex, long lead-time acquisitions, well in advance of the fiscal year in which they are to be awarded	OPDIV - PO	307.104, subparagraph (d)
(i) Participate in acquisition planning; (ii) prepare the AP; and (iii) provide the AP to the CO	OPDIV – PO	(i) 307.104, subparagraph (c); (ii) 307.104, subparagraph (e); and (iii) 307.7105
(i) Participate in acquisition planning; and (ii) assist the PO in AP preparation	OPDIV – CO/CS	(i) 307.104, subparagraph (c); (ii) 307.104, subparagraph (e)
Waive requirement for development of an AP when justified	OPDIV – HCA	307.7101, subparagraph (b)
Review and certify that an AP is complete, accurate, and in the proper format	OPDIV – Head of the Sponsoring Program Office, PO, Funds Certification Official, CO, and other signatories in accordance with OPDIV policies	307.7104
Meet established acquisition milestone dates	OPDIV – PO and CO/CS	307.7106

### **307.7108 Statement of Work**

NOTE: No changes were made to this subpart. However, this section was moved here since it is more appropriately placed after the narrative regarding the AP requirements.