

14 FAH-2 H-440 AWARDING CONTRACTS

*(CT:COR-1; 12-20-2005)
(Office of Origin: A/OPE)*

14 FAH-2 H-441 TYPES OF COMPETITION

(CT:COR-1; 12-20-2005)

The contract award determination is based on the two (2) solicitation processes:

- (1) Sealed bidding (see also 14 FAH-2 H-213.1); and
- (2) Competitive proposals.

The award determination is covered in the following sections.

14 FAH-2 H-442 AWARD DETERMINATION

14 FAH-2 H-442.1 Sealed Bidding

(CT:COR-1; 12-20-2005)

The contract award must be made to the lowest priced, responsive offer from a responsible bidder. There can be no discussions with any bidder(s).

14 FAH-2 H-442.2 Competitive Proposals

(CT:COR-1; 12-20-2005)

- a. Whatever the type of contract or kind of requirement, the U.S. Government makes the contract award to the offeror whose proposal offers the greatest advantage, price and other factors considered, in accordance with the solicitation.
- b. The contracting officer is responsible for selecting the offeror to be awarded the contract, taking into consideration the recommendations of the contracting officer's representative (COR), technical evaluation panel (TEP), and other advisory personnel.
- c. The contracting officer is responsible for preparing the final contract document. The contracting officer will review the contract and file documents for completeness, accuracy, and compliance with requirements. Before release of this document to the contractor for

signature, the contracting officer coordinates with all parties to the negotiation to ensure that the final document incorporates the agreements reached in negotiations.

- d. The contracting officer then transmits the contract package to the contractor for acceptance and signature. The contractor returns the signed contract to the contracting officer, who signs it on behalf of the U.S. Government. The contract becomes effective on the date signed by the contracting officer, unless otherwise specified in the contract. A copy of the fully executed contract is forwarded to the contractor, the COR, and the finance office.

14 FAH-2 H-443 DETERMINATION OF RESPONSIBILITY

(CT:COR-1; 12-20-2005)

- a. The Federal Acquisition Regulation (FAR) requires that purchase be made only from firms that the contracting officer has determined to be responsible. In order for a contractor to be responsible, the contractor must have adequate financial resources or the ability to obtain them; be able to comply with the delivery or performance schedule; have a satisfactory record of performance, integrity, and business ethics; and be otherwise qualified and eligible to receive award.
- b. If the contracting officer finds that the prospective contractor is not responsible, the contracting officer makes a determination of nonresponsibility and does not award the contract to that offeror. However, when a small business is involved, the contracting officer cannot make a determination of nonresponsibility but must bring the matter to the attention of the Small Business Administration (SBA). The SBA will initiate its own review and make a determination. If the SBA finds that the firm is responsible, it will issue a Certificate of Competency. Upon receipt of the certificate, the contracting officer has fulfilled his or her obligation and may proceed with the award.
- c. If there is insufficient information to make a determination regarding contractor responsibility, the contracting officer may request a pre-award survey before awarding a contract to a firm with which the Department has not had a contract for similar work unless the firm has received a Certificate of Competency from the SBA. The extent of the survey depends upon the type of services being acquired.

14 FAH-2 H-444 THROUGH H-449 UNASSIGNED