

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 913—SIMPLIFIED ACQUISITION PROCEDURES

#### Subpart 913.3—Simplified Acquisition Methods

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913.307 Forms

#### Subpart 913.4—Fast Payment Procedure

913.402 General.

AUTHORITY: 42 U.S.C. 7101 *et seq.*, 41 U.S.C. 418(b); 50 U.S.C. 2401 *et seq.*

SOURCE: 67 FR 14871, Mar. 28, 2002, unless otherwise noted.

#### Subpart 913.3—Simplified Acquisition Methods

##### 913.307 Forms. (DOE coverage paragraph (b))

(b) Optional Forms 347 and 348, or DOE F 4250.3, may be used for purchase orders using simplified acquisition procedures. These forms shall not be used as the contractor's invoice. See 48 CFR 12.204 regarding the use of SF-1449 for the acquisition of commercial items using simplified acquisition procedures.

#### Subpart 913.4—Fast Payment Procedure

##### 913.402 General.

The fast payment procedure delineated in FAR subpart 13.4 is not to be used by DOE.

### PART 914—SEALED BIDDING

#### Subpart 914.4—Opening of Bids and Award of Contract

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914.502 Conditions for use.

AUTHORITY: 42 U.S.C. 7101 *et seq.*; 41 U.S.C. 418(b); and 50 U.S.C. 2401 *et seq.*

SOURCE: 49 FR 11954, Mar. 28, 1984, unless otherwise noted.

#### Subpart 914.4—Opening of Bids and Award of Contract

##### 914.404-1 Cancellation of invitations after opening.

(c) The Procurement Executive has been delegated authority to make the determination under FAR 14.404-1(c) and (e) and has re delegated this authority to the Heads of Contracting Activities without power of redelegation.

[50 FR 12184, Mar. 27, 1985]

##### 914.407 Mistakes in bids.

##### 914.407-3 Other mistakes disclosed before award.

(e) Pursuant to FAR 14.407-3(e), the Procurement Executive, has been delegated authority by the Secretary to make the determinations under FAR 14.407-3. In the case of mistakes in bids alleged after opening of bids and before award, the Procurement Executive has re delegated this authority to the Heads of Contracting Activities without power of redelegation and to make administrative determinations regarding withdrawal of bids as provided for in FAR 14.407-3, providing that each such determination shall be approved by Legal Counsel.

[49 FR 11954, Mar. 28, 1984, as amended at 56 FR 41964, Aug. 26, 1991; 59 FR 9105, Feb. 25, 1994. Redesignated and amended at 67 FR 14871, Mar. 28, 2002]

##### 914.407-4 Mistakes after award.

The Procurement Executive has been delegated authority to make the determinations under FAR 14.407-4. Mistakes in bids after award, together with the data set forth in FAR 14.407-

## 914.408-2

4(e), shall be submitted to the Procurement Executive for decision.

[49 FR 11954, Mar. 28, 1984. Redesignated and amended at 67 FR 14871, Mar. 28, 2002]

### 914.408-2 Award of classified contracts.

DOE regulations regarding the safeguarding of restricted data and procedures for its destruction are contained at 10 CFR part 1016.

[49 FR 11954, Mar. 28, 1984, as amended at 59 FR 9105, Feb. 25, 1994]

## Subpart 914.5—Two-Step Sealed Bidding

### 914.502 Conditions for use.

(c) Use of the two-step sealed bidding method shall be approved by the Head of the Contracting Activity. The contracting officer shall submit a written request for approval justifying its use in accordance with FAR 14.502.

[50 FR 12184, Mar. 27, 1985]

## PART 915—CONTRACTING BY NEGOTIATION

### Subpart 915.2—Solicitation and Receipt of Proposals and Information

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915.200 Scope of subpart.

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### Subpart 915.3—Source Selection

915.305 Proposal evaluation.

### Subpart 915.4—Contract Pricing

915.404-2 Information to support proposal analysis.

915.404-2-70 Audit as an aid in proposal analysis.

915.404-4 Profit.

915.404-4-70 DOE structured profit and fee system.

915.404-4-70-1 General.

915.404-70-2 Weighted guidelines system.

915.404-4-70-3 Documentation.

915.404-4-70-4 Exceptions.

915.404-4-70-5 Special considerations—contracts with nonprofit organizations (other than educational institutions).

915.404-4-70-6 Contracts with educational institutions.

915.404-4-70-7 Alternative techniques.

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915.404-4-70-8 Weighted guidelines application considerations.

915.404-4-71 Profit and fee-system for construction and construction management contracts.

915.404-4-71-1 General.

915.404-4-71-2 Limitations.

915.404-4-71-3 Factors for determining fees.

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915.408-70 Solicitation provision and contract clause.

### Subpart 915.6—Unsolicited Proposals

915.602 Policy.

915.603 General.

915.605 Content of unsolicited proposals.

915.606 Agency procedures.

915.607 Criteria for acceptance of an unsolicited proposal.

AUTHORITY: 42 U.S.C. 7101 *et seq.*; 41 U.S.C. 418(b); and 50 U.S.C. 2401 *et seq.*

SOURCE: 63 FR 56851, Oct. 23, 1998, unless otherwise noted.

### Subpart 915.2—Solicitation and Receipt of Proposals and Information

#### 915.200 Scope of subpart.

FAR 15.2 is not applicable to Program Opportunity Notices (See 48 CFR 917.72) or Program Research and Development Announcements (See 48 CFR 917.73).

#### 915.201 Exchanges with industry before receipt of proposals. (DOE coverage—paragraph (e)).

(e) Approval for the use of solicitations for information or planning purposes shall be obtained from the Head of the Contracting Activity.

#### 915.207-70 Handling of proposals during evaluation.

(a) Proposals furnished to the Government are to be used for evaluation purposes only. Disclosure outside the Government for evaluation is permitted only to the extent authorized by, and in accordance with, the procedures in this subsection.

(b) While the Government's limited use of proposals does not require that the proposal bear a restrictive notice, proposers should, if they desire to