

facts, a statement of the requesting party's position with respect to the question, and copies of all pertinent records and supporting documentation.

#### **2914.408 Award.**

##### **2914.408-1 General.**

(a) When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if the contracting officer makes a written determination that:

- (1) The specifications used in the invitation were not unduly restrictive,
  - (2) Adequate competition was solicited and it could have been reasonably assumed that more than one bid would have been submitted,
  - (3) The price is reasonable, and
  - (4) The bid is otherwise in accordance with the invitation for bids.
- (b) Such a determination must be placed in the contract file.

### **PART 2915—CONTRACTING BY NEGOTIATION**

#### **Subpart 2915.4—Contract Pricing**

Sec.

2915.405-70 Determining fair and reasonable price.

#### **Subpart 2915.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes**

2915.508 Discovery of mistakes.

#### **Subpart 2915.6—Unsolicited Proposals**

2915.604 Agency points of contact.  
2915.605 Content of unsolicited proposals.  
2915.606 Agency procedures.

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

#### **Subpart 2915.4—Contract Pricing**

##### **2915.405-70 Determining fair and reasonable price.**

(a) Where the contractor insists on a price or demands a profit or fee that the contracting officer considers unreasonable, and the contracting officer has taken all authorized actions to resolve the matter (see FAR 15.402), the contract action must be referred to the HCA for final resolution.

(b) Resolution under paragraph (a) of this subsection, must be documented and signed by the HCA, and included in the contract file.

#### **Subpart 2915.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes**

##### **2915.508 Discovery of mistakes.**

(a) The HCA is authorized to make the administrative determinations in FAR 15.508 after consultation with the Office of the Solicitor as required by FAR 14.407-4. This authority may not be redelegated.

(b) The contracting officer must process a mistake and prepare a case file in accordance with the requirements of FAR 14.407-4(e)(2). The file must be submitted to the HCA for final determination.

### **Subpart 2915.6—Unsolicited Proposals**

#### **2915.604 Agency points of contact.**

(a) HCAs shall be the preliminary contacts for unsolicited proposals. This responsibility may be delegated.

(b) HCAs must establish within their agencies procedures for handling unsolicited proposals to ensure that unsolicited proposals are controlled, evaluated, safeguarded and disposed of in accordance with FAR 15.6.

(c) The HCA must not forward for consideration an unsolicited proposal, if the proposal resembles an upcoming solicitation, or a procurement identified in the current annual acquisition plan.

#### **2915.605 Content of unsolicited proposals.**

In addition to the contents required by FAR 15.605, unsolicited proposals for research should contain a commitment by the offeror to include cost-sharing, or should represent a significant cost savings to the Department of Labor.

#### **2915.606 Agency procedures.**

When an unsolicited proposal is received by an official of the Department of Labor, the recipient of the proposal must forward it to the HCA. The HCA must address the requirements of FAR 15.604. The HCA must determine if there is an office(s) within the Department of Labor whose mission could be impacted by the proposal. If there is, the HCA must designate a recipient within that office as an "assignee", and take the following action:

(a) Within seven (7) working days of receipt, the HCA must forward the proposal to the assignee along with instructions concerning the security, review and disposition of the document.

(1) Inform the offeror of this transfer in writing (preferably by facsimile or other electronic means).

(2) Within one (1) month of receipt of the unsolicited proposal by the assignee, the office receiving the proposal must determine the merit of the unsolicited proposal.

(i) If the office finds insufficient merit to consider the unsolicited proposal further, then a letter will be sent to inform the offeror that their proposal will not be considered further, and is not being retained.

(ii) If, after a comprehensive evaluation as defined by FAR 15.606-2,

the office finds merit in the proposal, it must consult with a DOL contracting officer for direction in complying with FAR 15.607. If not excluded by a condition of FAR 15.607(a), a requisition may be prepared in accordance with FAR 15.607(b). If the requirement exceeds the simplified acquisition threshold inclusive of options then a request must be prepared for the Procurement Review Board in accordance with Department of Labor procedures stated in Department of Labor Manual Series 2-830 (available by mail from the Division of Acquisition Management Services).

(b) If within one (1) month of receipt (by the HCA) no assignee can be identified, the HCA must notify the offeror that the proposal is not being considered further.

### **PART 2916—CONTRACT TYPES**

Sec.

2916.000 Scope of part.

#### **Subpart 2916.5—Indefinite-Delivery Contracts**

2916.505 Ordering.

#### **Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts**

##### **2916.603-2 Application.**

**Authority:** 5 U.S.C. 301; 40 U.S.C. 486(c).

##### **2916.000 Scope of part.**

This part describes types of contracts that may be used in acquisitions. It further prescribes policies and procedures for implementing contracts.

#### **Subpart 2916.5—Indefinite-Delivery Contracts**

##### **2916.505 Ordering.**

In accordance with FAR 16.505(b)(5), the Department of Labor Task Order and Delivery Order Ombudsman is the DOL Competition Advocate (*see* DOLAR Part 2902).

#### **Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts**

Purchase orders for services above \$25,000, task orders against DOL contracts, and GSA for orders against GSA or other Governmentwide contracts for services must comply with the provisions of FAR 16.505.

##### **2916.603-2 Application.**

The HCA is authorized to extend the period for definitization of a letter contract required by FAR 16.603-2(c) in extreme cases, where it is determined in writing that such action is in the best interest of the Government.