

**Department of Labor**

**2913.307**

- (1) Payment of attorney's fees;
- (2) Purchase of food, entertainment or recreation;
- (3) Payment of personal membership fees; and
- (4) Payment of personal expense items such as gifts for employees, and entry fees for contests.

**2913.307 Forms.**

(a) In accordance with FAR 13.307, contracting officers are encouraged to

use the Standard Form (SF) SF-1449, when executing commercial acquisitions. Agencies may use forms other than the SF-1449 and may print on those forms the clauses considered to be suitable for these purchases. In these instances, alternate forms should conform with the Standard Form to the maximum extent practicable.

(b) The SF-30 is to be used to modify a purchase order.

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 2914—SEALED BIDDING

#### Subpart 2914.4—Opening of Bids and Award of Contract

Sec.

2914.404-1 Cancellation of invitations after opening.

2914.407-3 Other mistakes disclosed before award.

2914.408 Award.

2914.408-1 General.

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

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### Subpart 2914.4—Opening of Bids and Award of Contract

##### 2914.404-1 Cancellation of invitations after opening.

The authority of the agency head in FAR 14.404-1(c) and (f) to make a *written* determination to cancel an invitation for bids and reject all bids after opening and to authorize completion of the acquisition through negotiation is delegated to the HCA.

##### 2914.407-3 Other mistakes disclosed before award.

(a) The authority to make determinations, as conferred by FAR 14.407-3(e) is delegated to the HCA, without power of redelegation, but only after consultation with the Office of the Solicitor. All such determinations shall be documented in the contract file.

(b) The following procedures must be followed when submitting doubtful cases of mistakes in bids to the Comptroller General for an advance decision, as provided by FAR 14.407-3(i).

(1) Requests must be made by the HCA after consultation with the Office of the Solicitor.

(2) Requests must be in writing, dated, signed by the requestor, addressed to the Comptroller General of the United States, General Accounting Office, Washington, DC 20548, and contain the following:

(i) The name and address of the party requesting the decision; and

(ii) A statement of the question to be decided, a presentation of all relevant 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).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.