

Homeland Security Department

3011.602

3052.209-72, "Disclosure of Conflicts of Interest" in all solicitations for negotiated acquisitions, and when simplified acquisitions procedures in (FAR) 48 CFR Part 13, are not used. The contracting officer shall ensure the conditions enumerated in (FAR) 48 CFR 9.507-2 warrant inclusion.

3009.507-1 Solicitation provision.

The contracting officer shall insert a provision substantially the same as (HSAR) 3052.209-72, Organizational Conflict of Interest, in solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible. The contracting officer shall ensure the conditions enumerated in (FAR) 48 CFR subpart 9.5 warrant inclusion. The contracting officer shall include the information required by (FAR) 48 CFR 9.507-1 and (HSAR) 3052.209-72(a).

[71 FR 25769, May 2, 2006]

3009.507-2 Contract clause.

The contracting officer shall insert a clause substantially the same as the clause at (HSAR) 48 CFR 3052.209-73, Limitation of Future Contracting, in solicitations and contracts when a potential organizational conflict of interest exists and mitigation is not feasible.

[71 FR 25769, May 2, 2006]

**PART 3010—MARKET RESEARCH
[RESERVED]**

**PART 3011—DESCRIBING AGENCY
NEEDS**

**Subpart 3011.1—Selecting and Developing
Requirements Documents**

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3011.103 Market acceptance.

**Subpart 3011.2—Using and Maintaining
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3011.204-70 Solicitation provisions and contract clauses.

Subpart 3011.5—Liquidated Damages

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Subpart 3011.6—Priorities and Allocations

3011.602 General.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

**Subpart 3011.1—Selecting and
Developing Requirements
Documents**

3011.103 Market acceptance.

(a) Contracting officers may act on behalf of the head of the agency in this subpart only. Contracting officers may, under appropriate circumstances, require offerors to make the required demonstrations.

**Subpart 3011.2—Using and Main-
taining Requirements Docu-
ments**

**3011.204-70 Solicitation provisions
and contract clauses.**

The contracting officer shall insert the clause at (HSAR) 48 CFR 3052.211-70, Index for Specifications, when an index or table of contents may be furnished with the specification.

**Subpart 3011.5—Liquidated
Damages**

3011.501 Policy.

(d) The HCA may reduce or waive the amount of liquidated damages assessed under a contract, if the Commissioner, Financial Management Service, or designee approves.

**Subpart 3011.6—Priorities and
Allocations**

3011.602 General.

(c) The following DHS Components may assign priority ratings on contracts and orders placed with contractors to acquire products, materials, and services under the Defense Priorities and Allocations System (DPAS) regulations (15 CFR part 700):

(1) The U.S. Coast Guard in support of certified national defense related programs; and

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(2) The Federal Emergency Management Agency in support of emergency preparedness activities.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 48801, Aug. 22, 2006]

48 CFR Ch. 30 (10-1-07 Edition)

**PART 3012—ACQUISITION OF
COMMERCIAL ITEMS [RESERVED]**

SUBCHAPTER C—CONTRACT METHODS AND CONTRACT TYPES

PART 3013—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 3013.70—Special Streamlined Acquisition Authority

- Sec.
3013.7000 General.
3013.7001 Delegations.
3013.7002 Reporting requirements.
3013.7003 Micro-purchase authority.
3013.7004 Simplified acquisition authority.
3013.7005 Test program for certain commercial items.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3013.70—Special Streamlined Acquisition Authority

3013.7000 General.

(a) The Secretary may use the special streamlined acquisition authorities set forth in the Homeland Security Act, section 833, 6 U.S.C. 393, with respect to any procurement that takes place during the period ending September 30, 2007, if the Secretary determines in writing that the mission of the Department (as described in the Homeland Security Act, section 101, 6 U.S.C. 111) would be seriously impaired without the use of such authorities.

(b) The Secretary may deem any item or service to be a commercial item for the purpose of federal procurement laws for procurements described in (HSAR) 48 CFR 3013.7005.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25769, May 2, 2006]

3013.7001 Delegations.

The Secretary may delegate this authority to an officer of the Department who is appointed by the President with the advice and consent of the Senate. Delegations of this authority are discussed in HSAM 3013.

3013.7002 Reporting requirements.

(a) The Secretary shall submit to the Committee on Government Reform of the House of Representatives and the

Committee on Governmental Affairs of the Senate—

(1) Notification of such determination; and

(2) The justification for such determination.

(b) This report shall be submitted no later than seven days after the date of any determination. Reporting requirements and procedures are discussed in HSAM 3013.

3013.7003 Micro-purchase authority.

(a) When the streamlined acquisition authority is exercised, the micro-purchase threshold is raised to \$7,500.

(b) The authority in this section may be exercised only by individuals designated by the Secretary. The number of employees shall be—

(1) Fewer than the number of employees of the Department that are authorized to make purchases without obtaining competitive quotations.

(2) Sufficient to ensure the geographic dispersal of the availability of the use of the procurement authority under such paragraph at locations reasonably considered to be potential terrorist targets; and

(3) Sufficiently limited to allow for careful monitoring of employees designated under each paragraph.

(c) Procurements made under this authority shall be subject to review by a designated supervisor on not less than a monthly basis. The supervisor responsible for the review shall be responsible for no more than seven employees making procurements under this authority.

3013.7004 Simplified acquisition authority.

When the streamlined acquisition authority is exercised, the simplified acquisition threshold shall be:

(a) \$200,000 in the case of a contract to be awarded and performed, or purchase to be made, within the United States; and