

Guide to Judiciary Policy

Vol. 14: Procurement
Ch. 3: Purchasing Methods

Appx. 3C: Determination and Findings for Time and Materials and Labor Hour GSA FSS Orders

Title of Effort: _____ [*Title of the statement of work or requirement*]

GSA FSS Contract Number: _____ [*GSA FSS contract number*]

Agency Order Number: _____ [*Judiciary order number*]

Contracting Officer Information: _____ [*Name, position title*]

Description of Effort: _____ [*Brief description of the type of supplies/services to be acquired*]

Total Estimated Cost: _____ [*Estimated dollar amount and type of funds*]

1. A fixed price order is not suitable for this order because it is not possible, at the time of award of this order, to accurately estimate the extent or duration of the work or anticipated costs with any reasonable degree of confidence.

2. The following market research methods were used to make this determination.

3. The current requirement has been structured to maximize the use of fixed-price orders by [*limiting the value or length of the time-and-materials/labor-hour order; and/or establishing fixed prices for portions of the requirement*].

4. On future acquisitions for the same or similar requirements, the judiciary CO plans to maximize the use of fixed-price orders by *[limiting the value or length of the time-and-materials or labor-hour order; and/or establishing fixed prices for portions of the requirement]*.

5. Prior to an increase in the ceiling price of a time-and-materials or labor-hour order, the judiciary CO must:

- Conduct an analysis of pricing and other relevant factors to determine if the action is in the best interest of the Government and document the order file;
- Follow the procedures in *Guide to Judiciary Policy*, Volume 14, § 310.50.63 (Limiting Sources on Orders Placed under Federal Supply Schedules) for a change that modifies the general scope of the order; and
- Comply with the requirements in *Guide*, Volume 14, § 310.50.30 (Inclusion of Items Not on Schedule) when modifying an order to add open market items.

**Determination and Findings for
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Based upon the findings above, I determine that the use of _____ *[time-and-materials; or labor-hour]* contract type for this order is in the judiciary’s best interest.

I prepared the determination and find it adequate for approval.

Signature: _____ Date: _____

Typed name: _____

Contracting Specialist/Officer _____

I reviewed the determination and find it adequate for approval.

Signature _____ Date: _____

Typed name: _____ Branch Chief: _____