

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

WASHINGTON, D.C. 20544

Date: 09/03/2020

GUIDE TO JUDICIARY POLICY

TRANSMITTAL 14-015 VOLUME/PART 14 CHAPTER(S) 1-3

TO: Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts
Chief Probation Officers
Chief Pretrial Services Officers
Bankruptcy Administrators
Circuit Librarians
Certified Contracting Officers

FROM: James C. Duff

RE: **PROCUREMENT**

This transmittal provides notice of changes to *Guide to Judiciary Policy*, Volume 14 (Procurement):

[Chapter 1 – Overview](#)
[Chapter 2 – Procurement Planning and Preparations](#)
[Chapter 3 – Purchasing Methods](#)
[Glossary of Procurement Terms](#)

The policy guidance was updated to reflect the following changes in the Federal Acquisition Regulations (FAR), which take effect on August 31, 2020:

- Increased the General Services Administration (GSA) competition threshold and micropurchase threshold from \$3,500 to \$10,000.
- Increased the GSA simplified acquisition threshold from \$150,000 to \$250,000.

The significant changes are detailed in the Redline Comparison below. Secondary references to these same thresholds were also updated in *Guide*, Volume 21 (Legal Research Resources), § 210.50.20.

Questions regarding this transmittal may be directed to the Procurement Management Division of the AO's Finance and Procurement Office, at 202-502-1330.

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 1 (Overview) follow:]

§ 150 Procurement Integrity and Ethics

[. . .]

§ 150.20 Procurement Integrity Act

[. . .]

§ 150.20.25 Provisions of the Act

[. . .]

(c) Employees' Required Actions When Contacted About Employment

Under [41 U.S.C. § 2103](#), any judiciary employee, personally and substantially participating in a judiciary procurement in excess of \$~~4~~250,000 who contacts or is contacted by a bidder or offeror in that procurement regarding possible non-federal employment, must:

- (1) report the contact in writing to the immediate supervisor, the PE, and the AO's Office of the General Counsel (OGC); **and**

(Note: Each report required under (c)(1) must be retained by the submitting employee's division for not less than two years following submission.)

- (2) reject the possibility of non-federal employment; **or**
- (3) disqualify him/herself from further personal and substantial participation in the procurement until such time as the employee has been authorized to resume participation on the grounds that the company and/or individual is no longer a bidder or offeror in the procurement, or all discussions between the employee and the bidder or offeror regarding possible employment have terminated without an agreement for employment.

[. . .]

[Significant changes in Chapter 2 (Procurement Planning and Preparations) follow:]

§ 210 Policy

[. . .]

§ 210.60 Market Research

[. . .]

§ 210.60.20 Market Research Methods

[. . .]

- (b) Market research generally does **not** include the temporary "trial" or "demonstration" use of equipment/products delivered to and used within the judiciary organization's facilities. Only if it can be definitely determined that the eventual purchase will not exceed the applicable competition threshold — \$10,000 for open market purchases (\$25,000 for training products); ~~\$3,500~~10,000 for GSA schedule purchases — may equipment or products be used on a "trial" basis in this manner.

[. . .]

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 3 (Purchasing Methods) follow:]

§ 310 Procurement Sources

[. . .]

§ 310.50 GSA Federal Supply Schedules

[. . .]

§ 310.50.23 eBuy

[eBuy](#) is GSA’s electronic Request for Quotation (RFQ) system and is a part of a suite of online tools that complement GSA Advantage! eBuy allows judiciary COs to post requirements and obtain quotes electronically. Posting an RFQ on eBuy:

- (a) is one medium for providing fair notice to all schedule contractors offering such supplies and services, as required by [§ 310.50.43\(c\) \(Orders exceeding GSA’s simplified acquisition threshold \(\\$~~1~~250,000\)\)](#) and [§ 310.50.46\(c\) \(Orders using “best value” evaluation method\)](#); and

[. . .]

§ 310.50.43 Ordering Procedures for Supplies and Services Not Requiring a Statement of Work *[table]*

Procedure	Details
(a) Orders at or below the GSA’s competition threshold, which is \$ 3,500 <u>10,000</u> , except for: [. . .]	[. . .]
(b) Orders exceeding GSA’s competition threshold, but not exceeding GSA’s simplified acquisition threshold (\$ 1 250,000).	[. . .]
(c) Orders exceeding GSA’s simplified acquisition threshold (\$ 1 250,000).	[. . .]

§ 310.50.46 Ordering Procedures for Services Requiring a Statement of Work *[table]*

Type of Order	Details
(a) Orders exceeding GSA’s competition threshold (generally \$ 3,500 <u>10,000</u>) but not exceeding GSA’s simplified acquisition threshold (\$ 1 250,000).	[. . .]
(b) Orders exceeding GSA’s simplified acquisition threshold (\$ 1 250,000).	[. . .]

§ 310.50.52 File Documentation

At a minimum, the judiciary CO must include the following documentation for each award:

[. . .]

- (h) when an order exceeds the simplified acquisition threshold, evidence of compliance with the ordering procedures at [§ 310.50.43\(c\) \(Orders Exceeding GSA’s Simplified Acquisition Threshold \(\\$~~1~~250,000\)\)](#) or [§ 310.50.46\(c\) \(Orders Using “Best Value” Evaluation Method\)](#), whichever is applicable.

[. . .]

REDLINE COMPARISON REFLECTING CHANGES

§ 310.50.53(g) Ordering from BPAs under GSA Schedules [table]

BPA Situation	Procedures
(2) Multiple Award BPAs	<p>(A) Orders at or below the GSA competition threshold (generally \$3,500<u>10,000</u>). The judiciary CO may place orders at or below the GSA competition threshold with any BPA holder that can meet the agency's needs. The ordering activity should attempt to distribute any such orders among the BPA holders.</p> <p>(B) Orders exceeding the GSA's competition threshold but not exceeding the GSA's simplified acquisition threshold (\$1<u>250,000</u>). [. . .]</p> <p>(C) Orders exceeding GSA's simplified acquisition threshold (\$1<u>250,000</u>) unless one of the exceptions in § 310.50.63 (Limiting Sources on Orders Placed Under Federal Supply Schedules). [. . .]</p>
(3) BPAs for Hourly Rate Services	<p>[. . .]</p> <p>(B) For time-and-materials and labor-hour orders, the contracting officer must follow the procedures in § 310.50.46(b) (Orders Exceeding GSA's Simplified Acquisition Threshold (\$1<u>250,000</u>)) and § 310.50.46(c) (Orders Using "Best Value" Evaluation Method). All orders under the BPA must specify a price for the performance of the tasks identified in the SOW. [. . .]</p>

§ 310.50.63 Limiting Sources on Orders Placed under Federal Supply Schedules

[. . .]

(a) For a proposed order or BPA with an estimated value exceeding GSA's competition threshold (generally ~~\$3,500~~10,000) not placed or established according to [§ 310.50.43 \(Ordering Procedures for Supplies and Services Not Requiring a Statement of Work\)](#), [§ 310.50.46 \(Ordering Procedures for Services Requiring a Statement of Work\)](#), or [§ 310.50.53\(g\) \(Ordering From BPAs Under GSA Schedules\)](#), the only circumstances that may justify the action are:

[. . .]

(b) For proposed orders or BPAs with an estimated value exceeding GSA's micro-purchase threshold (generally ~~\$3,500~~10,000), the judiciary CO must document the basis for limiting sources using [Form AO 370C \(Limited Sources Justification \(LSJ\)\)](#).

(c) Posting Requirement

(1) Within 14 days after placing an order or establishing a BPA exceeding the GSA's simplified acquisition threshold (~~\$1~~250,000) that is supported by a limited-sources justification permitted under any of the circumstances under paragraph (a) of this section, the judiciary CO must post the justification at beta.SAM.gov, as well as post a link to the justification on the public web site of the judiciary organization or AO. For justifications citing subparagraph (a)(1) of this section, the justification must be posted within 30 days after award.

[. . .]

REDLINE COMPARISON REFLECTING CHANGES

§ 310.50.66 Limiting Sources Based on Items Particular to One Manufacturer (Brand Name)

[. . .]

- (b) For proposed orders or BPAs with an estimated value between GSA's competition threshold and simplified acquisition threshold, ~~\$3,500~~10,000 and ~~\$4~~250,000, respectively, the judiciary CO must document the basis for restricting consideration to an item peculiar to one manufacturer. The judiciary CO must document the basis for limiting sources using [Form AO 370C \(Limited Sources Justification \(LSJ\)\)](#). If the estimated value is between \$25,000 and ~~\$4~~250,000 the documentation and the RFQ must be posted to eBuy.
- (c) For proposed orders or BPAs with an estimated value exceeding GSA's simplified acquisition threshold, ~~\$4~~250,000, the judiciary CO must document the basis for restricting consideration to an item peculiar to one manufacturer using Form AO 370C. The justification must be completed and approved at the time the requirement for a brand name item is determined and must be posted with the RFQ to eBuy for the duration of the RFQ. Additionally, a justification for a brand name item is required at the order level for orders placed against previously awarded BPA's when a justification for the brand name item was not completed for the BPA or does not adequately cover the requirements in the order.

[. . .]

[Significant changes in Glossary of Procurement Terms follow:]

[. . .]

GSA Competition Threshold – The threshold whereby GSA contract actions must be competed (~~\$3,500~~10,000).

[. . .]