

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

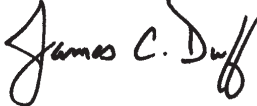
WASHINGTON, D.C. 20544

Date: 12/03/2020

GUIDE TO JUDICIARY POLICY

TRANSMITTAL 14-016 VOLUME/PART 14 CHAPTER(S) 3, 7

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 3 – Purchasing Methods](#)
[Chapter 7 – Contract Administration](#)

Chapter 3 revisions:

- change the dollar threshold approval amount when awarding a GSA single award BPA from \$112 million to \$100 million, based on a recent Federal Acquisition Regulation update (effective 10/1/20);
- update contact information for AbilityOne products and GSA Federal Supply Schedule pricelists;
- reflect that beta.sam.gov now provides resources and functionality previously available in both Federal Business Opportunities (FedBizOpps) and Wage Determination Online (WDOL); and
- standardize the use of [Form AO 370C \(Limited Sources Justification \(LSJ\)\)](#) to document the basis for restricting consideration to an item peculiar to one manufacturer.

Chapter 7 revisions updated guidance on maintaining records on proprietary data furnished by contractors and restricting access to purchase card documents and information.

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 3 (Purchasing Methods) follow:]

§ 310 Procurement Sources

§ 310.10 Sources of Supply

[. . .]

§ 310.20.20 Available Products or Services

[. . .]

Refer all questions on whether a product or service is on the procurement list to the Committee at ~~the following address and telephone number:~~ info@abilityone.gov.

~~Committee for Purchase from People Who Are Blind or Severely Disabled
Crystal Square 3, Room 403
1735 Jefferson Davis Highway
Arlington, VA 22202-3461
703-603-7740~~

[. . .]

§ 310.50 GSA Federal Supply Schedules

§ 310.50.13 Schedule Pricelists

[. . .]

- (b) The GSA schedule contractor is required to provide one copy of its pricelist to any ordering activity (judiciary contracting officer) upon request. Also, a copy of the pricelist may be obtained from FSS via [email, from GSAeLibrary.gov](mailto:GSAeLibrary.gov), or by telephone at 1-800-488-3111. This subsection and the pricelists contain necessary information for placing delivery orders (for products) or task orders (for services) with schedule contractors.

§ 310.50.33 Use of GSA Schedules

Judiciary COs will issue delivery orders or task orders directly to the schedule contractors for the required products and services. The delivery or task order must cite the applicable GSA contract number from which the order is placed. When placing orders or establishing a BPA under FSS contracts (**see: § 310.50.53 (Blanket Purchase Agreements Under GSA Schedules)**), judiciary COs must not seek competition outside of the schedules or synopsise the requirement on [FedBizOpps.beta.SAM.gov](https://www.fedbizopps.beta.sam.gov).

§ 310.50.53 Blanket Purchase Agreements Under GSA Schedules

[. . .]

- (d) Single Award BPA Under GSA

[. . .]

- (1) No single award BPA with an estimated value exceeding ~~\$412~~**100** million (including any options), may be awarded unless the Procurement Executive (PE) has determined in writing that:

[. . .]

- (2) The requirement for determination for a single-award BPA greater than ~~\$412~~**100** million is in addition to any applicable requirement for a limited-sources justification at [§ 310.50.46 \(Ordering Procedures for Services Requiring a Statement of Work\)](#). However, the two documents may be combined into one document.

[. . .]

REDLINE COMPARISON REFLECTING CHANGES

§ 310.50.53 [cont'd]

- (f) Minimum Documentation
[. . .]
- (5) Determination for a single-award BPA exceeding \$~~112~~100 million, if applicable. **See:**
[§ 310.50.53\(d\) \(Single Award BPA Under GSA\)](#).
[. . .]

§ 310.50.63 Limiting Sources on Orders Placed under Federal Supply Schedules

- [. . .]
- (c) Posting Requirement
 - (1) Within 14 days after placing an order or establishing a BPA exceeding the GSA's simplified acquisition threshold (\$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 [FedBizOpps.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.

[. . .]

§ 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, \$10,000 and \$250,000, respectively, the judiciary CO must document the basis for restricting consideration to an item peculiar to one manufacturer. The judiciary CO ~~does not have to use Form AO 370C (Limited Sources Justification (LSJ)) to~~must document ~~this determination. A memorandum to file can be used instead.~~the basis for limiting sources using Form AO 370C (Limited Sources Justification (LSJ)). If the estimated value is between \$25,000 and \$250,000, the documentation and the RFQ must be posted to eBuy.

[. . .]

§ 315 Publicizing Open Market Procurement Actions

[. . .]

§ 315.20 Methods of Publicizing Procurement Notices

[. . .]

§ 315.20(c) Methods of Publicizing Procurement Notices [table]

Publication Method	Description
(1) National Posting on FedBizOpps.beta.SAM.gov	FedBizOpps stands for Federal Business Opportunities and beta.SAM.gov <u>is the official U.S. government website for people who make, receive, and manage federal awards. This</u> is a GSA-run website available to all government agencies for publicly advertising federal solicitations and contract awards.

REDLINE COMPARISON REFLECTING CHANGES

§ 332 Purchase of Services

[. .]

§ 332.40 Obtaining Wage Determinations

- (a) Most prevailing wage determinations may be obtained using the DOL's Wage Determinations OnLine ~~(WDOL) website, wdol.gov~~ link at beta.SAM.gov. [. .]
 - (b) If the ~~WDOL~~ [Wage Determination](#) database does not contain an applicable prevailing wage determination for a contract action, the contracting officer must use the ~~e98~~ [e98](#) process, an electronic version of SF-98 (Notice of Intention to Make a Service Contract and Response to Notice), to request a wage determination. To complete ~~e98~~, the CO may need to review the DOL publication, Service Contract Act Directory of Occupations, found on ~~WDOL's Library, beta.SAM.gov~~ [Wage Determination Learning Center](#) to determine the appropriate classes of service employees needed to perform the work.
- [. .]
- (d) The CO must anticipate the amount of time required to gather the information necessary to obtain a wage determination, including sufficient time, if necessary, to contact DOL to request wage determinations that are not available using ~~WDOL~~ [beta.SAM.gov](#).
 - (e) Although the ~~WDOL~~ [beta.SAM.gov](#) website provides assistance to select the correct wage determination, the CO is responsible for the wage determination selected. [. .]
 - (f) To obtain the applicable wage determination for each contract action, the CO must determine the following information concerning the service employees expected to be employed in performing the contract:
 - (1) the classes of service employees to be employed in performance of the contract using the Service Contract Act Directory of Occupations, found on ~~WDOL's Library~~ [beta.SAM.gov](#);

[. .]

§ 332.40.10 Impact of a Revised Wage Determination

- (a) DOL's Wage and Hour Division periodically issues revisions to prevailing wage determinations. The requirement to include a revised wage determination in a solicitation or contract is determined by the date of receipt of the revised wage determination by the CO.
 - (1) If the original wage determination was obtained using ~~WDOL~~, the [wage determination at beta.SAM.gov](#), the time of receipt is deemed as the first day of publication of the revised determination on the website.
- [. .]
- (b) Once a wage determination has been selected from the WDOL website for a solicitation or contract, the CO is responsible for monitoring the website for revisions. ~~Monitoring may be done by using the website's "Alert Service."~~
 - (c) Whether or not the CO must incorporate a revised wage determination depends ~~upon~~ when the revision is published on ~~wdol.gov~~ [beta.SAM.gov](#) and when contract performance is required to start.

[. .]

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 7 (Contract Administration) follow:]

§ 710 Maintaining Records

§ 710.10 Procurement Files (Purchase/Delivery/Task Order or Contract Files)

§ 710.10.10 In General

[. . .]

~~(d)~~ Proprietary data furnished by contractors or offerors must be secured at all times and made available on a need-to-know basis only.

(e) Purchases made with the purchase card are exempt from the requirement to establish files for each individual transaction, since there is generally minimal documentation — either pre-award or post-award — associated with these procurements. However, each purchase must be recorded as an obligation in JIFMS. ~~See:~~ and records maintained consistent with the [Judiciary Purchase Card Program Manual](#).

[. . .]

(g) Access to the purchase card and related documents and information (e.g., monthly billing statements, summary statements of accounts) must be restricted to authorized individuals, including audit personnel.