

Contract Formation

Activity 3: Procurement Requests and Funding

Actions to ensure the accuracy and completeness of procurement request packages as well as the availability of funds to fulfill those procurement requests.

Related Flow Charts: [Flow Chart 3](#)

Tasks	FAR Reference(s)	Additional Information
1. Advise customers on the completeness and accuracy of the procurement request.	FAR 32.703 Contract Funding	Determine if the contract is incrementally or fully funded, and accurately explain the effect of omissions and deficiencies on the acquisition process.
2. Identify the type of funding provided on the procurement request.	FAR 32.7 Contract Funding.	Identify the type of funding provided so that related requirements and restrictions can be considered in acquisition planning. <ul style="list-style-type: none">• A multiple-year appropriation is available by its very terms for the bona fide needs of the agency arising during that multiple-year period. (See: B-317636, <i>Severable Services Contracts</i>, April 21, 2009.)• Annual appropriations (also called “fiscal year” or “1-year” appropriations) are made for a specified fiscal year and are available for obligation only during the fiscal year for which they are made.• No-year appropriations are available for obligation without fiscal year limitation. The standard language used by Congress is that such funds “remain available until expended” (See B-271607, <i>Comments on Availability of Dedicated EDA Grant Funds</i>, June 3, 1996).

Tasks	FAR Reference(s)	Additional Information
<p>3. Determine whether the procurement request is acceptable for further procurement action.</p>	<p>FAR 7.103 Agency-head responsibilities [acquisition plans].</p>	<p>Procurement requests with omissions and discrepancies are not acceptable for further procurement action. Whether an unacceptable procurement request should be addressed through a corrected procurement request or through communication with the requester will vary from activity to activity. To the extent possible, resolve the identified omissions or deficiencies by communicating with the requester.</p> <p>Procurement acquisition lead time (PALT) is normally measured from the date that the procurement request is accepted by the contracting office. PALT times may vary based on acquisition size, complexity, and contract type.</p>
<p>4. Identify interested parties to whom information about pending requirements may be disclosed prior to issuance of the solicitation.</p>	<p>FAR 14.211(a) Release of acquisition information [sealed bidding].</p>	<p>For those within the Government, restrict disclosure to personnel with a legitimate interest in the proposed acquisition. For those outside the Government, do not release information concerning proposed acquisitions except when issuing presolicitation notices, publicizing requirements, conducting market research, or conducting negotiations.</p>

Tasks	FAR Reference(s)	Additional Information
<p>5. Determine whether clauses for contracting in advance of funds need to be incorporated into solicitations and contracts.</p>	<p>FAR 32.706-1 Clauses for contracting in advance of funds.</p>	<p>Consider the date by which:</p> <ul style="list-style-type: none"> Existing funds must be obligated; or Projected funds are expected to be available (e.g., in the next fiscal year). <p>Evaluate the availability of funds considering factors, such as the following:</p> <ul style="list-style-type: none"> Actions able to be charged in a new fiscal year before the funds are available based on certain circumstances (FAR 32.703-2(a)); The funding for an indefinite-quantity or requirements contract may extend beyond the fiscal year of the annual appropriation under certain circumstances (FAR 32.703(b)); and Agencies other than NASA may obligate current-year funds for services for a period of performance that ends in the following fiscal year under certain circumstances (FAR 32.703(b)).
<p>6. If no, return the procurement request to the requiring activity.</p>	<p>FAR 7.103 Agency-head responsibilities [acquisition plans].</p>	<p>See Activity 1: Customer Business Analysis and Acquisition Strategy for further discussion.</p>
<p>7. If yes, establish a contract file on the accepted procurement request.</p>	<p>FAR 4.803(a) Contracting office contract file [contents of contract files].</p>	<p>Maintain the contracting office contract file.</p>