

ENHANCED FLEXIBILITIES FOR FAR PARTS 12, 8, AND 16



FAR Part 12 Enhanced Flexibilities



<u>Flexibility</u>	<u>RFO Citation</u>
1. Consolidated simplified procedures (formerly Part 13.5) under the streamlined commercial rules of Part 12. Provides efficient pathways for commercial buys under FAR part 12. Emphasis on innovation and innovative approaches that align with FAR 1.102, Guiding Principles.	FAR 12.201-1 Simplified procedures.
2. Efficient and minimally burdensome evaluation and broad CO discretion regarding the acceptance of late quotations.	FAR 12.203(c) Evaluations.
3. Evaluation plans, scoring, or competitive range are not required. Quotation evaluation is not subject to FAR part 15.	FAR 12.203(c)(2) Quotations.
4. Enables the use of FAR Part 12 commercial procedures for construction that meets the commercial definition, significantly streamlining the acquisition process.	FAR 2 Definitions FC 12.001, Selecting the appropriate contracting method for commercial construction

FAR Part 8 Enhanced Flexibilities



<u>Flexibility</u>	<u>RFO Citation</u>
1. RFQs should be used irrespective of dollar value or type of requirement document.	GSAR 538.7102-2(a) Placing FSS orders and establishing FSS BPAs
2. Streamline your RFQ process – Parts 5, 6, 14, 15, 16, and 19 do not apply. No requirement for formal evaluation plans, scoring, or a competitive range prior to engaging with vendors.	GSAR 538.7102-2(a) FSS program.
3. Opportunity for further adoption of tested innovative techniques and to create new RFQ approaches.	GSAR 538.7102-2(a) Placing FSS orders and establishing FSS BPAs FC 8.401 Periodic Table of Acquisition Innovations (PTAI) procedures for FAR part 8 RFQ streamlining.
4. Follow parts 4, 7, 10, and 11 to the extent necessary.	GSAR 538.7102-2(b)(1) Placing FSS orders and establishing FSS BPAs
5. Single-award Blanket Purchase Agreements (BPAs) restrictions lifted. Select the strategy that aligns with your requirement.	GSAR 538.7104-1(b) Placing FSS orders and establishing FSS BPAs

FAR Part 8 Enhanced Flexibilities



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6. Streamlined ordering procedures established for multiple-award BPAs can include soliciting all BPA holders or as many holders as practicable.	GSAR 538-7104-4(a)(4)(ii)(B) FSS Blanket purchase agreements.
7. Award the order to the quoter that represents the best value. No longer required to consider “lowest overall cost alternative” or consider the level of effort/skill mix when awarding task order or BPAs.	GSAR 538.7102-2(b)(4) Placing FSS orders and establishing FSS BPAs FC 8.401 Best value determinations under FAR part 8.
8. Document the file to the extent necessary to support the award decision.	GSAR 538.7102-2(b)(5) Placing FSS orders and establishing FSS BPAs
9. Contractors should request a brief explanation of the award within 3 days (aligns with debriefing timelines in Part 15).	GSAR 538.7102-2(b)(6) Placing FSS orders and establishing FSS BPAs
10. Discretion to set-aside orders and seek additional discounts.	GSAR 538.7102-2(c)(1) Placing FSS orders and establishing FSS BPAs

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11. Separate determinations not required under FSS order or BPA awards.	GSAR 538.7102-2(d)(2) Placing FSS orders and establishing FSS BPAs
12. Simplified ordering procedures addressing commoditized services (e.g., capability-as-a-service, subscription) and order-level materials (OLMs).	GSAR 538.7103-2(a) Acquisitions valued above the micro-purchase threshold, but not above the simplified acquisition threshold (SAT).
13. Increased flexibility to include open market order-level materials in an FSS order and to allow contractor access to government supply sources. Previously, contractor use of Government supply sources under FAR Part 38 was largely restricted.	GSAR 538.7104-2 Order-level materials.

FAR Part 16 Enhanced Flexibilities



<u>Flexibility</u>	<u>RFO Citation</u>
1. A new contract type is permitted as long as it promotes the best interest of the government. This update represents a deliberate shift from a restrictive to a permissive framework, empowering contracting officers to use novel and innovative contract structures.	FAR 16.101 Policies.
2. New contract types such as Firm-Fixed Unit Price (FFUP) and consumption-based contracts were introduced into the FAR Companion for you to potentially leverage!	FC 16.2 Firm-Fixed-Unit-Price (FFUP) contract. FC 16.2 Consumption-based contracting.
3. Opportunity to leverage on-ramps and off-ramps now formally included the FAR to maintain a competitive pool!	FAR 16.504-4 On-ramps and off-ramps. FC 16.504-4 On-ramps and off-ramps.
4. Fair opportunity procedures have been updated to establish common principles designed to enhance flexibility and reduce burden in order placement under multiple award indefinite delivery vehicles.	FAR 16.507-2 Fair opportunity procedures.

FAR Part 16 Enhanced Flexibilities



<u>Flexibility</u>	<u>RFO Citation</u>
5. To maximize efficiency, buyers are encouraged and empowered to use innovative approaches when placing orders.	FAR 16.507-2(a)(2) Fair opportunity.
6. Ordering activities are not required to develop formal evaluation plans, score offeror responses or quotations, or establish a competitive range before communicating with interested parties. This allows COs to use streamlined procedures and engage in robust dialogue with potential awardees to refine requirements and obtain the best possible value.	FAR 16.507-2(a)(3) Fair opportunity.
7. You can now establish a BPA against an IDIQ!	16.507-2 Fair opportunity procedures.
8. Streamlined ordering procedures - fair opportunity reengineered!	16.507-3 Orders valued above the micro purchase threshold but not above the SAT. 16.507-4 Orders valued above the SAT but not above \$7.5 million.