

CHAPTER 6. SPECIAL PROCUREMENT TYPES, METHODS, AND REQUIREMENTS6-1 SERVICE CONTRACTS.

- A. Service contracts require a contractor's time and effort to perform an identifiable task rather than furnish a definitive end product (see FAR 37.101). Policy for the use of service contracts is provided in the following:
1. Office of Federal Procurement Policy (OFPP) Letter 93-1 (Reissued) on "Management Oversight of Service Contracting;"
  2. FAR Subparts 7.5 and 37.1
  3. OFPP Policy Letter 92-1, "Inherently Governmental Functions;"
  4. OFPP Policy Letter 91-2, "Service Contracting;"
  5. OMB Circular A-76, "Performance of Commercial Activities," the Revised Supplemental Handbook, and FAR Subpart 7.3; and,
  6. Service Contract Act of 1965, as amended, (41 U.S.C. 351, et seq.), U.S. Department of Labor regulations at 29 CFR Parts 4, 6, 8 and 1925, and FAR Subpart 22.10.
- B. Policies. In addition to the direction prescribed in paragraph A above, the following shall apply to Departmental service contracts:
1. The head of the program office is responsible for accurately describing proposed service contract requirements to assure full understanding and responsive performance by contractors. Program offices should obtain assistance from contracting personnel, as needed, in developing these requirements;
  2. Contracts which require the performance of services by persons other than those employed in a bona fide executive, administrative, or professional capacity are covered by the Service Contract Act of 1965 (see definition of "service employee" at FAR 22.1001);
  3. All services obtained through HUD procurement contracts shall be nonpersonal in nature as defined at FAR 37.101. A proper contract for nonpersonal services is one in which the relationship established between the Government and the contract personnel is not that of employer and employee; and,

4. The use of temporary help contracts is allowable as authorized by the Office of Personnel Management (see FAR Subpart 37.1). Such contracts are not considered personal services contracts.

C. Responsibilities.

1. Program Offices shall assure that proposed requirements for service contracts:
  - a. Are not for inherently Governmental functions (see FAR Subpart 7.5);
  - b. Have appropriate monitoring controls and quality assurance measures, but do not provide for direct supervision of contractor personnel by HUD employees;
  - c. Are the most cost effective means of obtaining the services;
  - d. Do not present any conflict of interest; and,
  - e. Provide for the maximum competition practicable.
2. The Contracting Officer shall:
  - a. Consider all relevant factors at FAR 37.104 in determining if proposed contract services are nonpersonal or personal. This determination should not be based on any single factor or particular combination of factors. It must be the result of the Contracting Officer's professional judgment considering all factors and their relative importance in the individual case;
  - b. Determine if proposed requirements are inherently governmental functions as defined at FAR Subpart 7.5;
  - c. Resolve with the program office any issues, which in his/her judgment have not been adequately addressed in the request. If the Contracting Officer determines that a requirement cannot be fulfilled because the proposed services are either personal or inherently governmental in nature, he/she shall return the RCS to the program office and inform the appropriate program office official that the requirement cannot be met through a procurement contract;
  - d. Upon request, provide the program office with the rationale for his/her determination made pursuant to paragraphs a. and b. above; and,

- e. Seek legal advice from the OGC in cases where there is doubt concerning the nature of the services.
3. Both. Appendix A to OFPP Policy Letter 93-1 contains a list of questions that program offices and Contracting Officers should use to analyze proposed requirements for service contracts and to determine that the requirements in C.1 above have been met.

## 6-2 PERFORMANCE-BASED CONTRACTING.

- A. Preferred Method for Acquiring Services. As prescribed at FAR 37.102, performance-based contracting is the preferred method for acquiring services. FAR Subpart 37.6 provides guidance and the specific requirements of performance-based contracting.
- B. Basic Requirements (see FAR 37.601).
  1. Results vs. Processes. Performance-based contracts describe the Government's needs in terms of results and outcomes instead of methods or processes. They set forth the performance and quality standards that the contractor must meet, but they do not prescribe the methods that the contractor is to use. The contractor is responsible for developing and using appropriate methods to accomplish the contract.
  2. Quality Control and Quality Assurance. The contractor must establish and use a quality control system to ensure that contract performance standards are met. The system includes a quality control (QC) plan that describes how the contractor will measure the quality of his/her work. The Government must establish a quality assurance (QA) plan, sometimes referred to as a quality assurance surveillance plan (QASP) or performance assessment plan (PAP), to evaluate the contractor's performance (see also paragraph 5-3.G and FAR 37.602-2). The plan must contain measurable inspection and acceptance criteria that correspond to the performance standards contained in the contract's SOW. The contractor's payment and/or amount of fee received are tied to, and directly influenced by, the contractor's performance as measured against the specific performance criteria set forth in the contract.
- C. Responsibilities.
  1. Program offices are responsible for:
    - a. Identifying all contract requirements for services that are appropriate for using performance-based contracting methods;

- b. Describing requirements using performance work statements (see Far 37.602-1);
  - c. Developing a QA plan for each contract. Sample plans are available on the OCPO intranet site (<http://hudweb.hud.gov/po/arc/connect/guidance/qap/index.htm>); and,
  - d. Working with the contracting office to develop price or fee reduction procedures (for deficient contractor performance) and any performance incentives (see FAR 37.601) to be used in the contract.
2. As requested, contracting offices will provide technical assistance to program offices to help them meet their responsibilities under D.1 above.
- D. Additional Guidance. Additional guidance may be found on the Acquisition Reform Network (ARNet) Internet site:

<http://www.arnet.gov/Library/OFPP/BestPractices/PPBSC/BestPPBSC.html>

### 6-3 INTERAGENCY AGREEMENT (IAA).

- A. Definition. An IAA is a written transaction that allows one Federal agency (the “receiving” agency) to obtain needed supplies, services, personnel, material, equipment, and facilities from another (“servicing”) agency.
- B. Authority. The Department may enter into agreements with other Departments and agencies of the Federal Government under various authorities including, but not limited to:
1. The Economy Act. FAR Subpart 17.5 provides policies and procedures governing IAAs under the Economy Act;
  2. Section 502 of the Housing Act of 1948;
  3. Section 502(f) of the Housing Act of 1970;
  4. Executive Order 11478;
  5. The Government Employees Training Act of 1958;
  6. Section 808 of the Civil Rights Act of 1968;
  7. The Public Works and Economic Development Act of 1965, as amended;

8. The Federal Property and Administrative Services Act of 1949, for the acquisition of excess property, and/or unused plant and production capacity from other Federal Agencies in preference to new procurement; and,
  9. Title V of the Housing Act of 1937, which authorizes and directs HUD to use, to the fullest extent feasible, the available facilities of other Federal departments and agencies, to enter into working agreements, and to make or accept reimbursements for activities involving research-related procurements.
- C. Authority to Execute IAAs. Any funded IAA to which HUD is a party must be signed by an individual with specific delegated authority to enter into IAAs in accordance with published Departmental delegations of authority. All HCAs have authority. Contracting Officers within OCPO are also authorized subject to any limitations imposed by the Senior Procurement Executive or their Certificates of Appointment.
- D. Scope. The following do not fall within the scope of this section 6-3:
1. Contracts with the Small Business Administration pursuant to Section 8(a) of the Small Business Act;
  2. Purchases from required sources of supply (see FAR Part 8); and,
  3. Agreements that do not provide for a subsequent transfer of funds to or from other departments or agencies and do not affect employment ceilings or positions of the Department.
- E. Procedures for Preparing Requests to Enter Into IAAs.
1. Responsibilities.
    - a. POHs and Field office directors, or their authorized designees, are responsible for initiating requests to execute or modify IAAs. Each RCS for an IAA must be entered into HPS (see paragraph 4-2.A).
    - b. Contracting Officers shall prepare and may execute IAAs with the appropriate officials from other Federal agencies.
  2. Request Contents (see paragraph 4-2.B.5).
    - a. Clearances. Program/initiating offices shall obtain the following clearances before submitting requests for new IAAs or modifications to existing IAAs:

- (1) The internal clearances and approvals specified in section 4-4;
  - (2) For IAAs that include a transfer of funds into the Department, clearances from the Office of Budget and the cognizant accounting office. The Office of Budget shall approve IAAs that include any provision affecting employment or ceiling positions (even if no funding is being transferred to the Department). IAAs transferring funds to another department or agency are not subject to this clearance requirement; and,
  - (3) IAAs involving Research and Technology funding under Title V of the Housing and Urban Development Act of 1970 require clearance by the Office of Budget only when employment or ceiling positions are affected.
- b. Funds Reservation. Requests for IAAs shall include an executed funds reservation in the amount of the IAA or the portion of the IAA to be funded at execution (see paragraph 4-2.C).
- c. Limitation on Use of Appropriated Funds. The bona fide need rule described in 4-2.C.3 applies to IAAs. IAAs executed pursuant to the Economy Act are subject to an additional requirement. The period of availability of funds transferred may not exceed the availability of the source appropriation (normally, the end of the fiscal year in which they were appropriated). Any appropriated funds transferred under such an IAA, but not obligated during their period of availability, must be deobligated at the end of the fiscal year charged.
3. Determination and Findings. For each IAA made under the authority of the Economy Act, the Contracting Officer shall make the determination and findings required by FAR Subpart 17.5.
- F. Forms. All HUD-funded IAAs and modifications to IAAs shall be executed on form HUD-730. Copies shall be distributed to the appropriate program office, the payment office (normally, the Fort Worth Accounting Center within the OCFO) and, if the IAA affects employment or ceiling positions or transfers money into HUD, the Office of Budget.
- G. IAA Contents. IAAs should include:
1. A description of the supplies, services, etc. to be obtained by HUD or provided to a receiving agency;

2. Payment or funds transfer terms;
  3. Cancellation or termination provisions;
  4. The effective period; and,
  5. Terms of performance and delivery (see FAR Subpart 17.5).
- H. Ordering Against IAAs. IAAs may provide for ordering of services or supplies on an indefinite-delivery basis (e.g., cooperative administrative support units (CASUs) used in the field). Ordering under these IAAs is subject to the requirements in 1-4.B.7.
- I. Memorandum of Understanding (MOU). When two or more agencies wish to express an intent or expectation to cooperate, they may execute a MOU. The MOU is often preliminary to, but not a requirement of, an IAA. POHs, rather than Contracting Officers, may sign MOUs on the Department's behalf. A MOU may not be used to transfer funds or obligate work to be performed. It may say that the agencies expect to commit funds to some purpose, but it shall also state that authorized officials from the participating agencies must confirm such action by execution of a formal IAA. The MOU may serve as the formal agreement for non-monetary cooperation (e.g., two agencies might agree via a MOU to collaborate on a program evaluation.)
- J. Reimbursable Work Authorizations (RWA).
1. RWAs are orders issued to the General Services Administration by Federal agencies for work required in their offices (e.g., alterations, renovation, repair, cable installation, etc.). An RWA may be an order placed against an existing IAA, or a new, separate IAA.
  2. Requests for RWAs shall be submitted to the following for approval and execution:
    - a. Space Management Division within the Office of Administrative and Management Services (OAMS) for Headquarters; and,
    - b. The cognizant ARD for field offices.
  3. Requests for RWAs shall comply with existing applicable GSA requirements and limitations. (Consult the Space Management Division or ARD in the Field for guidance.)
  4. Only individuals with sufficient delegated procurement authority may issue RWAs.

6-4 PROCUREMENT OF INFORMATION TECHNOLOGY (IT) RESOURCES (see also FAR Part 39).

A. Policy.

1. The Office of Information Technology (OIT) within the Office of Administration's Office of the Chief Information Officer is charged with ensuring: that the Department has a standard IT platform and environment and the availability of adequate resources and knowledge to support and maintain the Department's IT equipment and platform. Therefore, OIT shall approve all proposed procurements of IT resources as defined in paragraph B below.
2. Where a proposed procurement is not specifically for IT resources, but includes the acquisition of substantial IT resources, OIT shall be represented on the TEP (either as voting member(s) or advisor(s)).
3. Individual procurements for IT resources estimated to exceed \$100 million are considered major system acquisitions and shall comply with the requirements of Chapter 7.

B. Definition. The general definition of IT resources is found at FAR Subpart 2.1. HUD IT resources are further defined as including, but not limited to:

1. IT equipment (e.g., personal computers (desktop, laptop, notebook), servers, printers, and related equipment);
2. Software (e.g., office automation applications);
3. Information processing services (e.g., storage and processing on mainframe and client servers, communications including internet, local and wide area networks, data administration, data warehousing, help desks);
4. Information strategy planning, information technology assimilation planning and implementation, information assessment and requirements analysis, and information validation and verification. (Note: These services may be advisory and assistance in nature; see also paragraph 4-2.B.7 and FAR Subpart 37.2);
5. Information systems development and maintenance for application systems; and,
6. Contractor-acquired or HUD-provided IT resources other than IT equipment acquired by a contractor incidental to the performance of a

contract (e.g., use of contractor-owned personal computers to generate reports or other non-IT related contract products would be considered “incidental”). If substantive IT services are embedded in a proposed procurement, OIT must review and concur in the overall acquisition. Program offices should consult with OIT and the Contracting Officer whenever they are unsure if a proposed acquisition of IT resources for or by a contractor are incidental to the overall contract effort or a substantive part of it.

- C. RCS Processing (see also Chapter 4 for general requirements for requesting contract services).
1. Requesting Office. Program offices shall submit requests to procure IT resources to the Director, OIT. The request shall clearly describe the IT requirements. Program offices are strongly recommended to consult with the OIT early in the procurement process (e.g., when defining their requirements) to ensure that all IT-related questions and issues are known and resolved before the RCS is submitted to the contracting office.
  2. OIT.
    - a. The OIT shall review requests in accordance with OIT’s existing standards and procedures. The review shall:
      - (1) Assess the validity of the need for the IT resources and assure that the proposed IT resources are consistent with Departmental IT standards;
      - (2) Ensure that proposed procurements of IT equipment intended for use by Departmental employees meets the accessibility needs of disabled end users; and,
      - (3) Determine if the requirement can be met through other means (e.g., resources available within the Department, through the Federal Software Exchange Catalog, or by using existing IT resources on a sharing, reimbursement basis).
    - b. The OIT shall promptly notify the requesting office of its decision and provide the basis for any disapproval. Disapprovals based upon insufficient information in the request (e.g., need for greater specificity in the SOW or specifications) shall describe the additional information needed.
  3. Contracting Office. The Contracting Officer shall not take any action to fulfill an RCS involving IT resources without OIT approval.

6-5 SPECIAL CONSIDERATIONS FOR CERTAIN CONTRACT TYPES. In addition to the policies and procedures provided in the FAR as cited below, Contracting Officers will also comply with the following:

- A. Cost-Sharing Contract (see FAR 16.303). The cost-sharing contract provides for partial reimbursement of costs in accordance with a predetermined and/or negotiated arrangement. Cost sharing may occur in various ways. The preferred method is to pro-rate all allowable costs, charging a stated percentage to the Government, and the balance absorbed by the contractor. The method of cost sharing and the basis and mechanics of reimbursement shall be clearly set forth in the contract.
- B. Determination of Number of Awards Under Indefinite-Quantity Contracts (see FAR 16.504). The Contracting Officer shall document his/her decision whether or not to use multiple awards before contract award and place copies in the contract file(s). The decision and rationale may be included in the price negotiation memorandum.
- C. Term Cost-Plus-Fixed-Fee (CPFF) Contracts (see FAR Subpart 16.306(d)).
  1. General. It is not always possible to specifically describe and/or accurately estimate the amount of contractor effort that will be required for proposed work (e.g., emergency situations, specialized technical assistance, etc.). When the Contracting Officer determines that such lack of specificity makes the use of a firm fixed-price or completion type CPFF contract infeasible, the Contracting Officer may use a CPFF term contract. Contracting Officers shall, whenever practicable, phase the overall effort progressing from less to more definitive contract actions (e.g., satisfying an emergency situation with an initial time-and-materials contract followed by a fixed-price contract). Under a single indefinite-delivery contract where task orders are awarded on a CPFF basis, level-of-effort task orders initiating the work may later be followed by completion type (see FAR Subpart 16.3) task orders as the requirement becomes more definitive.
  2. CPFF Term Contract.
    - a. The term contract is a variation of the CPFF contract that requires the contractor to devote a specified level of effort, usually in terms of specific types of labor hours, as ordered by the Government within the term of the contract. The contractor's successful performance is measured by the quality of the delivery of the specified level of effort and not the completion of a specific work product(s). If provided for under the contract, the Contracting Officer may provide the contractor with additional instruction

through the issuance of Task Specifications. The term CPFF contract shall only be used when no other type of contract is feasible.

- b. To determine that the use of a CPFF term contract is appropriate, the Contracting Officer shall obtain from the program office:
- (1) As definitive a work statement or specification as is practicable given the particular situation;
  - (2) A justification as to why, at the time of request, the work statement or specifications cannot be written with enough specificity to permit the use of a more definitive contract type. This justification must be signed in Headquarters by the POH, or in the case of the Office of Administration requirements, a Deputy Assistant Secretary within Administration. For Field procurements, the justification shall be signed by the program office director or the ASC Director for Administration requirements; and,
  - (3) A monitoring plan that provides Government surveillance adequate to assuring delivery of quality work throughout the performance of the contract. The plan may include the following types of provisions: periodic status meetings with the contractor; periodic progress reviews; project milestones; interim deliverables; periodic progress review at a level above the GTR; and/or, periodic status meetings between the GTR and the Contract Specialist. The Contracting Officer and the cognizant GTR should determine the frequency of surveillance that is appropriate to the nature of the work to be performed and the risks to the Government.

## 6-6 USE OF FEDERAL SUPPLY SCHEDULES (FSS) (see also FAR Subpart 8.4).

### A. Accelerated Contracting.

1. Accelerated contracting is a method of placing competitive task orders for services under GSA FSS contracts. Accelerated Contracting requires a partnership between the program office, the contracting office, legal counsel, if necessary, and eventually, the contractor. This partnership is accomplished through the use of an IPT (see 5-2.C.2), composed of personnel from the above offices. The Project Manager (PM) of the program being supported serves as the leader of the IPT. The contracting office representative, usually the Contract Specialist or Contracting Officer, is responsible for leading the IPT through the procurement

process. OCPO has issued separate instructions on the use of accelerated contracting, which are available at the OCPO intranet site:

<http://hudweb.hud.gov/po/arc/connect/ais/acqinstr.htm>

2. The Contracting Officer will invite the program office to appoint additional personnel to the IPT to perform functions similar to those performed by a TEP in negotiated contracts (see 5-2D and HUDAR 2415.303) whenever:
  - a. The proposed order is expected to be \$500,000 or more; or,
  - b. The Contracting Officer determines that the nature of the requirement is complex enough to require a technical review of the FSS contractors' offers, including capabilities and proposed approach to delivering the services.
3. For IT acquisitions initiated by program offices, the OCIO shall be invited to appoint one or more representatives to the IPT.
4. The personnel performing the evaluation function must have sufficient expertise in technical or programmatic areas deemed necessary to thoroughly evaluate offers.
5. The standards of conduct requirements set forth in paragraphs 1-5 and 5-6 are applicable to individuals described in A.2 and A.3.

B. Exceeding Maximum Order Thresholds (see FAR 8.404). Before placing an order that exceeds the maximum order threshold of a FSS contract, the Contracting Officer shall:

1. Compare the rates of the FSS contractor selected for award with the rates it is currently being paid under an FSS contract for the same or similar work. The Contracting Officer shall include the cost comparison in the contract file as part of the best value determination, including the rationale for any trade-offs made, and the pricing information provided by the other competitors.
2. Contact the FSS contractor and seek a price reduction. The Contracting Officer may discuss with the FSS contractor the information in the cost comparison required by paragraph B.1 above.

6-7 CONSTRUCTION AND ARCHITECT-ENGINEER (A/E) CONTRACTS (FAR Part 36 and HUDAR Part 2436). These contracts are for any work meeting the definitions in FAR Subpart 36.1. Contracting Officers shall comply with all requirements of FAR Part 36 and HUDAR Part 2436.

A. Construction.

1. Specifications. Program offices are responsible for preparing or obtaining construction specifications. In developing repair specifications for HUD's REO programs, the following can be used as guides: Handbook 4910.1, Minimum Property Standards for Housing; 24 CFR 886.307, Section 8 Housing Physical Condition Standards (for multifamily properties); and, other National, State, or local housing and building sanitary codes.
2. Affirmative Action Goals. In accordance with FAR Subpart 22.8, all construction contracts in excess of \$10,000 shall include the current geographic affirmative action goals established by the U.S. Department of Labor's Office of Federal Contract Compliance Programs.
3. Contracting Methods. Construction may be obtained through sealed bidding, negotiation, or simplified acquisition procedures, as appropriate.
  - a. For small purchases under the Davis-Bacon statutory dollar threshold (currently \$2,000), solicit quotations orally or in writing with Standard Form (SF) 18. Use Optional Form (OF) 347 to make award. Construction micropurchases shall be limited to the Davis-Bacon threshold.
  - b. For purchases above the Davis-Bacon threshold, but below the simplified acquisition threshold (see section 9-2), solicit using SF-18, including applicable wage rates. Use SF-1442, or OF-347 to make award, and attach the applicable construction contract clauses.
  - c. For acquisitions above the simplified acquisition threshold, solicit using an IFB or RFP, including applicable wage rates. Use SF-1442 for award.

B. A/E services. Contracting for A/E services is usually limited to HUD's Office of Multifamily Insurance Programs and the REO program.

1. Commonly obtained A/E services include:
  - a. Assessments of the physical condition of HUD-owned or HUD-insured multifamily properties;
  - b. Preparation of plans and specifications for the repair or rehabilitation of HUD-owned properties and inspections of the repair and rehabilitation work; and,
  - c. Inspections of construction of HUD-insured properties.

2. The A/E contracting procedures required by FAR Subpart 36.6 may not be used to obtain single-family property inspection services or any construction management services. A service contract (see section 6-1) shall be used to obtain those services.
3. Indefinite-delivery type contracts should be used for repetitive A/E services whenever such use is consistent with FAR Subpart 16.5.

6-8 MISCELLANEOUS OTHER REQUIREMENTS.

A. Personal Property. All Government property furnished to, or acquired by, contractors shall be administered and disposed of in accordance with FAR Part 45 and HUD Handbook, 2200.1, Chapter 9, "Personal Property Management." See also paragraph 12-9 of this handbook regarding the GTR's responsibilities.

B. Printing.

1. General. Government printing and binding regulations require all printing and binding work to be done through the U. S. Government Printing Office (GPO) or field printing plants authorized by the Joint Committee on Printing (JCP). In addition, the inclusion of printing within contracts for equipment and services is prohibited. This does not preclude the procurement of writing, editing, preparation of manuscript copy, or preparation of related illustrative material as a part of a contract. Questions regarding either the use of printing sources other than GPO or the inclusion of printing-related requirements in contracts shall be directed to the Multimedia Division in OAMS (see also section 4-4).
2. Requisitions. Requisitions for printing through GPO/JCP facilities (e.g., by use of SF-1, etc.) must comply with GPO's Agency Procedural Handbook (GPO Publication 305.1). Copies are available from GPO. Headquarters requisitions shall be made to the OAMS Multimedia Division. A copy of all printing and duplicating requisitions submitted to GPO/JCP facilities by field contracting activities must be provided to the Director, Administrative Resources Division (ARD) within the cognizant ASC.
3. Authority. OAMs or the cognizant ARD in the field must authorize all printing requisitions to GPO.

C. Bonding (FAR Part 28).

1. Options in Lieu of Sureties. If the types of security in lieu of sureties permitted at FAR Subpart 28.2 are used, any checks, drafts, or money

orders must be drawn to the order of HUD. Contracting Officers shall ensure that all securities are properly safeguarded.

2. Fidelity Bonds. In certain rare cases, it may be necessary or advisable to require a contractor to obtain a fidelity bond. Fidelity bonds (also called “financial guarantee bonds”) are not “bonds” within the meaning of FAR Part 28. They are a form of theft insurance that protects businesses against losses resulting from dishonest acts of employees. Such policies may be written to protect the Government against losses resulting from the dishonest acts of the principals and/or the employees of the contractor firm. The requirement for such bonds, their amount, and the type of coverage shall be determined in accordance with program requirements and guidelines.

D. Paid Advertising.

1. Authority. As authorized by FAR Subpart 5.5 and HUDAR Subpart 2405.5, advertisements may be placed in media to establish access to adequate sources of supply and services, and to assist in the sale and disposition of HUD properties. The published Delegations of Authority allow all appointed Contracting Officers to place paid ads.
2. Award Documents. The Contracting Officer should issue an obligating document (e.g., purchase order, contract, etc.) unilaterally in cases where a media source or contractor refuses to sign a Government purchase order or contract, or will not accept the Governmentwide Commercial Purchase Card.
3. REO Advertising. Policy on the use of advertising is set forth in the appropriate program handbooks (4310.5, Property Disposition Handbook - One to Four Family Properties and 4315.1, Multifamily Property Disposition – Management).
4. Documentation to Support Payment. All requests for payment shall comply with the documentation requirements in FAR Subpart 5.5. Requests for payment for ads placed by an advertising agency shall also include proof of payment to the media sources that placed the ads.

E. Payment of Overtime for Contractor Employees. Each POH is considered the “agency approving official” for approving overtime in accordance with FAR Subpart 22.1. All approvals shall be made in writing and provided to the Contracting Officer before any contractor overtime costs may be incurred.

F. Acquisition of Training.

1. Definition.

- a. “Training” means formal instruction and includes courses, seminars, lectures, and workshops.
- b. “Training Officer” means an employee of the HUD Training Academy in headquarters or the Administrative Service Centers who is responsible for arranging for and/or obtaining training to meet HUD requirements.

2. Two Types.

- a. “Off-the-shelf” Training is training routinely offered by a non-Government source (e.g., universities, colleges, professional associations, or other groups or organizations) at an established fixed price (per-student, per-credit-hour, etc.) at an announced date, time, and location.
- b. Government-Specific Training is training that is designed, developed, or adapted by a non-Government source to meet a specific Government need.
- c. Determining Type. Location and scheduling alone do not necessarily determine that training is off-the-shelf or Government-specific. Off-the-shelf training may be held at a Government facility (e.g., a course that is part of a college’s routine curriculum held in a HUD office). Government-specific training may be conducted away from a Government facility. The Contracting Officer or Purchasing Agent shall consult with the Training Officer in determining the type of training. Training Officers are encouraged to seek the advice of the contracting or purchasing office when in doubt.

3. Policy.

- a. Training services and supplies shall be acquired through the appropriate procurement method (simplified acquisition or contract) by an individual with appropriate contracting authority.
- b. Off-the-shelf training may be purchased without competition if the purchase is made using a SF-182, “Request, Authorization, Agreement and Certification of Training.” Procurements of off-the-shelf training that exceed the micropurchase limit (see section 9-9) and are not made using the SF-182 shall be made competitively if more than one source is available.

- c. Government-specific training shall be acquired by individuals with sufficient delegated contracting authority. Such training shall be acquired competitively unless there is appropriate justification for other than full and open competition.
  
- d. Training Officers who are Governmentwide Commercial Credit Card holders may purchase training products and services up to the individual limit imposed by either the Credit Card Program Administrator or the HUD Training Academy, whichever is lower (see also section 9-10).