

**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

WASHINGTON, D.C. 20544

Date: 07/12/2021

GUIDE TO JUDICIARY POLICY

TRANSMITTAL 14-018 VOLUME/PART 14 CHAPTER(S) 3, 4

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

FROM: Judge Roslynn R. Mauskopf 

RE: **PROCUREMENT**

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

[Chapter 3 – Purchasing Methods](#)
[Chapter 4 – Types of Contracts and Analysis of Offers](#)

These updates incorporate a threshold increase that takes effect July 12, 2021. As shown in the Redline Comparison below, the fair opportunity threshold for other federal agency contracts (OFACs) such as NASA SEWP will increase from \$3,500 to \$10,000.

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

[. . .]

§ 310.60 Other Federal Agency Contracts

[. . .]

§ 310.60.20 Ordering Scenarios

[. . .]

- (c) When ordering from OFACs under any of the above scenarios, the judiciary is required to follow the contract's ordering procedures, competition threshold and the other federal agency contract's terms and conditions. For example, NASA SEWP's procedures for providing for fair opportunity requires that all contractors be given an opportunity to provide a quote for all requirements that exceed \$~~3,500~~10,000.

[Significant changes in Chapter 4 (Types of Contracts and Analysis of Offers) follow:]

§ 410 Contract Types

[. . .]

§ 410.30 Indefinite-Delivery Contracts

[. . .]

§ 410.30.65 Fair Opportunity Process for Delivery Orders or Task Orders – OFAC

[. . .]

- (b) Orders against a multiple award IDIQ contract (e.g., NASA SEWP), with an estimated price not exceeding the fair opportunity threshold of \$~~3,500~~10,000, need not provide fair opportunity or be advertised. However, COs are encouraged to rotate such orders among holders of multiple award IDIQ contracts.
- (c) Orders against multiple award IDIQ contracts, with an estimated price exceeding the fair opportunity threshold of \$~~3,500~~10,000 are subject to fair opportunity as identified in the base contract. The CO must provide each awardee a fair opportunity to be considered for each order that exceeds the threshold.

[. . .]