

**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**


WASHINGTON, D.C. 20544

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GUIDE TO JUDICIARY POLICY

TRANSMITTAL 14-020 VOLUME/PART 14 CHAPTER(S) 1, 3

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 
Director

RE: PROCUREMENT

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

- [Appendix 1B – Solicitation Provisions and Contract Clauses](#)
- [Appendix 1D – Contracting Officers Certification Program \(Level 1: Purchase Card Program\)](#)
- [Appendix 1E – Contracting Officers Certification Program \(Level 2: Special Delegated Procurement Programs\)](#)
- [Appendix 1F – Contracting Officers Certification Program \(Level 3\)](#)
- [Chapter 3 – Purchasing Methods](#)

Appendix 1B revisions update the following clauses:

- Clause 3-3, to clarify that Clause 7-40 applies to all services;
- Clause 3-300, to replace references to Data Universal Numbering System (DUNS) with Unique Entity Identifier (UEI); and
- Clause 7-205, to add the Juneteenth National Independence Day to the holiday list.

Appendices 1D, 1E, and 1F updates clarify required training courses for Contracting Officer Certification Program (COCP) Levels 1, 2 and 3.

Guide Transmittal 14-020 – Procurement

Chapter 3 changes replace DUNS with UEI and update references to AbilityOne and the General Services Administration's (GSA) System for Award Management (SAM).

The significant changes are detailed in the Redline Comparison below.

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 Appendix 1B (Solicitation Provisions and Contract Clauses) follow:]

Clause 3-3, Provisions, Clauses, Terms and Conditions – Small Purchases

[. . .]

Provisions, Clauses, Terms and Conditions – Small Purchases (~~JUN 2014~~OCT 2023)

[. . .]

(c) The contractor shall comply with the following clauses, incorporated by reference, unless the stated circumstances do not apply:

[. . .]

(7) The following apply to services only:

[. . .]

(d) [Clause 7-40, Judiciary-Contractor Relationship](#) (JAN 2003) (Applies to ~~services when not involving judiciary information technology funds~~all services.)

[. . .]

(f) [Clause 7-205, Payment for Judiciary Holidays](#) (~~APR 2013~~OCT 2023) (Applies to time-and-materials or labor-hour contracts.)

[. . .]

Clause 3-300, Registration in the System for Award Management (SAM)

Include the following clause as prescribed in [§ 330.10.30\(dd\)\(1\)](#) (Provisions and Clauses).

Registration in the System for Award Management (SAM) (~~APR 2013~~OCT 2023)

(a) Definitions. As used in this clause –

[. . .]

~~"Data Universal Numbering System (DUNS) number"~~Unique entity identifier (UEI) means ~~the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B)~~a number or other identifier used to identify unique business entities.

~~"Data Universal Numbering System +4 (DUNS+4) number"~~ means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. ~~(D&B has no affiliation with this 4-character suffix.)~~ This 4-character suffix may be assigned at the discretion of the ~~business concern to establish additional SAM records~~specific commercial, nonprofit, or Government entity. See www.sam.gov for identifying alternative Electronic Funds Transfer (EFT) accounts~~the designated entity for the same concern~~establishing UEI.

REDLINE COMPARISON REFLECTING CHANGES

Clause 3-300 [cont'd]

"Registered in the SAM database" means that –

- (1) The contractor has entered all mandatory information, including the ~~DUNS number or the DUNS+4 number~~UEI, into the SAM database; and
- [. . .]
- (b) [. . .]
- (2) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "~~DUNS~~" or "~~DUNS +4~~Unique Entity Identifier" followed by the ~~DUNS or DUNS +4 number~~UEI that identifies the offeror's name and address exactly as stated in the offer. The ~~DUNS number~~UEI will be used by the contracting officer to verify that the offeror is registered in the SAM database.
- (c) If the offeror does not have a ~~DUNS number~~UEI, it may obtain one at SAM.gov. The offeror should contact Dun and Bradstreet directly~~be prepared to obtain one, provide the following information:~~
- (1) ~~An offeror may obtain a DUNS number –~~
- (i) ~~via the internet at <http://fedgov.dnb.com/webform> or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or~~
- (ii) ~~if located outside the United States, by contacting the local Dun and Bradstreet office. The offeror should indicate that it is an offeror for a U.S. Government contract when contacting the local Dun and Bradstreet office.~~
- (2) ~~The offeror should be prepared to provide the following information:~~
- (i) ~~company legal business name;~~
- (ii) ~~tradestyle, doing business, or other name by which your entity is commonly recognized;~~
- (iii) ~~company physical street address, city, state and ZIP code;~~
- (iv) ~~company mailing address, city, state and ZIP code (if different from physical);~~
- (v) ~~company telephone number;~~
- (vi) ~~date the company was started;~~
- (vii) ~~number of employees at your location;~~
- (viii) ~~chief executive officer/key manager;~~
- (ix) ~~line of business (industry);~~
- (x) ~~company headquarters name and address (reporting relationship within your entity).~~

REDLINE COMPARISON REFLECTING CHANGES

Clause 7-205, Payment for Judiciary Holidays

[. . .]

Payment for Judiciary Holidays (~~APR-2013~~OCT 2023)

On judiciary holidays, on-site contractors are not entitled to compensation unless:

[. . .]

- (3) the contractor obtains written approval from the contracting officer or designated contracting officer's representative (COR) to perform work at an off-site location. The following holidays are observed by the judiciary: [. . .] Juneteenth National Independence Day. [. . .].

[Significant changes in Appendix 1D (Contracting Officers' Certification Program – Level 1 Purchase Card Program) follow:]

Training Required for Level 1 Certification – Judiciary Purchase Card Program Training (~~online training – Blackboard CourtsLearn Course 2~~). Training must be reviewed; completed every two years.

[Significant changes in Appendix 1E (Contracting Officers' Certification Program – Level 2 Special Program Delegation) follow:]

Training Required for Level 2 Certification – Small Purchase Procedures, Standard Competitive Contracting Procedures, Special Categories of Procurements~~Judiciary Basic Procurement Seminar (Course 3), and Appropriations Law for the U.S. Courts (Course 4) (both available online)~~, plus any specialized training programs offered by the responsible AO program office. **See:** Guide, Vol. 14, § 120.40.15 (AO Office with Primary Program Responsibility).

[Significant changes in Appendix 1F (Contracting Officers' Certification Program – Level 3) follow:]

Training Required for Level 3 Certification – Judiciary Procurement Workshop (classroom training), plus Judiciary Basic Procurement Seminar ~~Small Purchase Procedures, Standard Competitive Contracting Procedures,~~ and Appropriations Law for the U.S. Courts (~~both available online~~). Level 3 COs must also complete a minimum of 16 hours of continuing education every two years.

[Significant changes in Chapter 3 (Purchasing Methods) follow:]

§ 310 Procurement Sources

[. . .]

§ 310.50 GSA Federal Supply Schedules

[. . .]

§ 310.50.33 Use of GSA Schedules

[. . .] 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 ~~beta~~.SAM.gov.

REDLINE COMPARISON REFLECTING CHANGES

§ 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 ~~beta.SAM.gov~~[SAM.gov](https://www.sam.gov), as well as post a link to the justification on the public web site of the judiciary organization or AO. [. . .]

§ 315 Publicizing Open Market Procurement Actions

[. . .]

§ 315.20 Methods of Publicizing Procurement Notices

[. . .]

(c) There are several ways to disseminate information concerning the judiciary’s needs:

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

Publication Method	Description
(1) National Posting on beta.SAM.gov SAM.gov	beta.SAM.gov SAM.gov is the official U.S. government website for people who make, receive, and manage federal awards. [. . .]

§ 320 Contractor Qualifications

[. . .]

§ 320.20 Determining Responsibility or Non-Responsibility

[. . .]

§ 320.20.30 Obtaining Information

Before making a determination of responsibility, the CO must possess or obtain information sufficient to be satisfied that the prospective contractor currently meets applicable standards of responsibility.

- (a) At a minimum, for open market and sole source awards, the CO must check GSA’s ~~SAM.gov~~[SAM.gov](https://www.sam.gov) ~~exclusions page~~[Excluded Parties List System \(EPLS\) – System for Award Management \(SAM\)](https://www.sam.gov). [. . .]

§ 320.30 Debarment, Suspension, and Ineligibility

[. . .]

§ 320.30.15 ~~Exclusions~~~~ded Parties List System~~ – System for Award Management (SAM)

[. . .]

(b) The ~~Exclusions~~~~ded Parties List System (EPLS)~~ list on the SAM website contains the following information:

[. . .]

- (6) ~~Unique Entity Identifier (UEI)~~~~Dun and Bradstreet Universal Numbering System (DUNS)~~ number; and

[. . .]

REDLINE COMPARISON REFLECTING CHANGES

§ 320.30.25 Procurement Executive Notification to GSA

Any judiciary recommendation for debarment must be submitted to the PE for action according to [§ 320.50 \(Procedural Requirements for Debarment\)](#) or [§ 320.60 \(Causes for Suspension\)](#). After a debarment or suspension determination is made, the PE will furnish GSA notice of the determination made by the judiciary for inclusion on ~~the EPLS-Exclusions – System for Award Management (SAM)~~. The PE will:

- (a) provide GSA with the information required by [§ 320.30.15 \(Excluded Parties System Exclusions – System for Award Management \(SAM\)\)](#) after the action becomes effective;
- [. . .]

§ 320.30.30 Effect of Listing

- [. . .]
- (e) After the opening of offers, the CO must review ~~the EPLS~~[Exclusions – SAM.gov](#).
- [. . .]
- (f) Immediately before award, the CO must again review the [EPLS Exclusions – SAM.gov](#) to ensure that no award is made to a listed contractor [. . .].

§ 325 Small Purchase Procedures

[. . .]

§ 325.30 Soliciting Under Small Purchase Procedure

§ 325.30.10 In General

[. . .]

- (b) Whether the solicitation is oral or written, the CO must request the vendor's [DUNSUEI](#) number (or Tax ID number).
- (c) When determining responsibility [. . .] and checking SAM [. . .], the [DUNSUEI](#) number will assist in obtaining information about the vendor.

§ 325.45 Purchase Order

[. . .]

§ 325.45.10 Contents of a Purchase Order

The following items must be included on each purchase order:

[. . .]

- (c) vendor's name, address, [DUNSUEI](#) or Tax ID Number (TIN);
- [. . .]

§ 330 Standard Competitive Contracting Procedures

§ 330.10 Applicability

[. . .]

§ 330.10.10 Format and Contents of Contract

[. . .] The contractor's ~~DUNS number~~[UEI](#) or Tax ID number (TIN) is included in the name and address block of the award document.

[. . .]

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 link at <beta.SAM.gov>. [. . .]
- (b) [. . .] To complete the [e98](#), the CO may need to review the DOL publication, Service Contract Act Directory of Occupations, found on <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 <beta.SAM.gov>.
- (e) Although the <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 <beta.SAM.gov>;
[. . .]

§ 332.40.10 Impact of a Revised Wage Determination

- (a) [. . .]
 - (1) If the original wage determination was obtained using 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.
- [. . .]
- (c) Whether or not the CO must incorporate a revised wage determination depends on when the revision is published on <beta.SAM.gov> and when contract performance is required to start.
[. . .]