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to exceed the simplified acquisition threshold even though resulting awards do not exceed that threshold. Requirements aggregating more than the simplified acquisition threshold shall not be broken down into several purchases that are less than the threshold merely to permit negotiation under simplified acquisition procedures.

(d) Simplified acquisition procedures may be used to acquire personal services if the agency has specific statutory authority to acquire personal services (see 37.104).

(e) FACNET is the preferred means for effecting the acquisition of supplies and services, including construction and research and development, in amounts exceeding the micro-purchase threshold but not exceeding the simplified acquisition threshold.

(f) Contracting officers shall establish deadlines for the submission of responses to solicitations which afford contractors a reasonable opportunity to respond.

31. 13.104 is revised to read as follows:

13.104 Procedures.

(a) Contracting officers shall make awards under this part in the simplified manner that is most suitable, efficient, and economical in the circumstances of each acquisition. Contracting officers may use the procedures in this part in acquisitions from Government supply sources (see Part 8), if their use is authorized by the basic contract or concurred in by the source.

(b) Related items (such as small hardware items or spare parts for vehicles) may be included in one solicitation and the award made on an "all-or-none" basis if suppliers are so advised when quotations are requested.

(c) Agencies shall use bulk funding to the maximum extent practicable to reduce processing time, handling, and documentation. Bulk funding is particularly appropriate if numerous purchases using the same type of funds are to be made during a given period.

(d) Agencies shall inspect items or services acquired under simplified acquisition procedures as prescribed in section 46.404.

(e) Agencies shall use United Statesowned foreign currency, if appropriate, in making payments when using simplified acquisition procedures (see Subpart 25.3).

(f) For proposed purchases covered by this part, see 5.101 for public display requirements.

32. 13.105 is revised to read as follows:

13.105 Small Business Set-asides.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, each acquisition of supplies or services that has an anticipated dollar value exceeding the micro-purchase threshold (see Subpart 13.6) and not exceeding \$100,000, is reserved exclusively for small business concerns and shall be set-aside (see 19.503–3).

(b) The requirements of this section apply only to purchases in the United States, its territories and possessions, Puerto Rico, and the Trust Territory of the Pacific Islands (see 19.000). Foreign concerns shall not be solicited or awarded acquisitions reserved for small business concerns.

(c) The requirements of this section do not affect the responsibility of agencies to make purchases from required sources of supply, such as Federal Prison Industries, Committee for Purchase from People who are Blind or Severely Disabled, and Federal Supply Schedule contracts.

(d)(1) Each written solicitation under a small business set-aside shall contain the provision at 52.219–6, Notice of Total Small Business Set-Aside. If the solicitation is oral, however, information substantially identical to that which is in the provision shall be given to potential quoters.

(2) If the contracting officer determines there is no reasonable expectation of obtaining quotations from two or more responsible small business concerns that will be competitive in terms of market price, quality, and delivery, the contracting officer need not proceed with the small business setaside and may purchase on an unrestricted basis. If the SBA procurement center representative disagrees with a contracting officer's decision not to proceed with the small business set-aside, the SBA procurement center representative may appeal the decision in accordance with the procedures set forth in 19.402.

(3) If the contracting officer proceeds with the set-aside and receives a quotation from only one responsible small business concern at a reasonable price (see 13.106–2(a)), the contracting officer shall make an award to that concern. However, if the contracting officer does not receive a reasonable quotation from a responsible small business concern, the contracting officer may cancel the set-aside and complete the purchase on an unrestricted basis.

(4) When proceeding under 13.105(d) (1) or (2), the contracting officer shall ascertain the availability of small business suppliers by telephone or other informal means (see 13.106-1(a)(7)).

(5) If the purchase is on an unrestricted basis under 13.105(d)(2), the contracting officer shall document in the file the reason for the unrestricted purchase.

(6) Nothing in this section 13.105 shall preclude award, using simplified acquisition procedures, of an acquisition exceeding the micropurchase threshold and not exceeding \$50,000 (\$100,000 when FACNET has been implemented) under:

(i) 19.8, Contracting with the Small Business Administration;

(ii) 19.1006(c), emerging small business set-asides; or

(iii) 19.503–2, as a small

disadvantaged business set-aside. (7)(i) Acquisitions exceeding the

micro-purchase threshold in Subpart 13.6 and not in excess of \$25,000 for supplies and services in the four designated industry groups pursuant to the Small Business Competitiveness Demonstration Program (see 19.10) are set-aside for emerging small businesses.

(ii) For acquisitions exceeding \$25,000 in the four designated industry groups pursuant to the Small Business Competitiveness Demonstration Program, see 19.10.

33. 13.106 text is removed and the heading is revised to read as follows:

13.106 Purchases exceeding the micropurchase threshold.

34. 13.106–1 is added to read as follows:

13.106–1 Soliciting competition, evaluation of quotes, and award.

(a) Soliciting competition. (1) Contracting officers shall solicit a reasonable number of sources to promote competition to the maximum extent practicable and ensure that the purchase is advantageous to the Government, based, as appropriate on either price alone, or price and other factors (e.g., past performance and quality considered, including the administrative cost of the purchase). Requests for quotations or solicitations shall notify suppliers that award is to be made based on price alone, or price and other factors.

(2) FACNET is the preferred method of soliciting and awarding simplified acquisitions. However, if FACNET is not available, or the contracting officer has made a determination that it is not practicable or cost effective to process a specific purchase via FACNET, or the head of the contracting activity has made a determination that it is not practicable or cost effective to process a class of purchases via FACNET (see Subpart 4.506), quotations may be solicited through other appropriate

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