

SUBCHAPTER II—DIVISION B DEFINITIONS

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

§ 131. Acquisition

In division B, the term “acquisition”—

(1) means the process of acquiring, with appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and

(2) includes—

(A) the process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;

(B) the description of requirements to satisfy agency needs;

(C) solicitation and selection of sources;

(D) award of contracts;

(E) contract performance;

(F) contract financing;

(G) management and measurement of contract performance through final delivery and payment; and

(H) technical and management functions directly related to the process of fulfilling agency requirements by contract.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 131: 41:403(16), Pub. L. 93-400, §4(16), as added Pub. L. 108-136, title XIV, §1411, Nov. 24, 2003, 117 Stat. 1663.

§ 132. Competitive procedures

In division B, the term “competitive procedures” means procedures under which an agency enters into a contract pursuant to full and open competition.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 132: 41:403(5), Pub. L. 93-400, §4(5), formerly §4(6), as added Pub. L. 98-369, title VII, §2731(3), July 18, 1984, 98 Stat. 1195; redesignated as §4(5), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

§ 133. Executive agency

In division B, the term “executive agency” means—

(1) an executive department specified in section 101 of title 5;

(2) a military department specified in section 102 of title 5;

(3) an independent establishment as defined in section 104(1) of title 5; and

(4) a wholly owned Government corporation fully subject to chapter 91 of title 31.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 133: 41:403(1), Pub. L. 93-400, §4(1), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, §3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, §4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

§ 134. Simplified acquisition threshold

In division B, the term “simplified acquisition threshold” means \$100,000.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 134: 41:403(11), Pub. L. 93-400, §4(11), as added Pub. L. 101-510, title VIII, §806(a)(1), Nov. 5, 1990, 104 Stat. 1592; Pub. L. 103-355, title IV, §4001, title VIII, §8001(b)(1), (2), Oct. 13, 1994, 108 Stat. 3338, 3386.

SUBCHAPTER III—DIVISION C DEFINITIONS

§ 151. Agency head

In division C, the term “agency head” means the head or any assistant head of an executive agency, and may at the option of the Administrator of General Services include the chief official of any principal organizational unit of the General Services Administration.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3682.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 151: 41:259(a), June 30, 1949, ch. 288, title III, §309(a), 63 Stat. 397.

§ 152. Competitive procedures

In division C, the term “competitive procedures” means procedures under which an executive agency enters into a contract pursuant to full and open competition. The term also includes—

(1) procurement of architectural or engineering services conducted in accordance with chapter 11 of title 40;

(2) the competitive selection of basic research proposals resulting from a general solicitation and the peer review or scientific review (as appropriate) of those proposals;

(3) the procedures established by the Administrator of General Services for the multiple awards schedule program of the General Services Administration if—

(A) participation in the program has been open to all responsible sources; and

(B) orders and contracts under those procedures result in the lowest overall cost alternative to meet the needs of the Federal Government;

(4) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C.

644) as long as all responsible business concerns that are entitled to submit offers for those procurements are permitted to compete; and

(5) a competitive selection of research proposals resulting from a general solicitation and peer review or scientific review (as appropriate) solicited pursuant to section 9 of that Act (15 U.S.C. 638).

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3683.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
152	41:259(b).	June 30, 1949, ch. 288, §309(b), as added Pub. L. 96-369, title VII, §271(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, §504(a)(3), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 105-85, title X, §1073(g)(1), Nov. 18, 1997, 111 Stat. 1906.

§ 153. Simplified acquisition threshold for contract in support of humanitarian or peacekeeping operation

(1) IN GENERAL.—In division C, the term “simplified acquisition threshold” has the meaning provided that term in section 134 of this title, except that, in the case of a contract to be awarded and performed, or purchase to be made, outside the United States in support of a humanitarian or peacekeeping operation, the term means an amount equal to two times the amount specified for that term in section 134 of this title.

(2) DEFINITION.—In paragraph (1), the term “humanitarian or peacekeeping operation” means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3683.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
153(1)	41:259(d)(1).	June 30, 1949, ch. 288, title III, §309(d)(1), as added Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299; Pub. L. 104-201, title VIII, §807(b)(1), (2), Sept. 23, 1996, 110 Stat. 2606.
153(2)	41:259(d)(2).	June 30, 1949, ch. 288, title III, §309(d)(2), as added Pub. L. 104-201, title VIII, §807(b)(3), Sept. 23, 1996, 110 Stat. 2606.

In paragraph (1), the words “a contingency operation or”, and the text of 41 U.S.C. 259(d)(2)(A), are omitted because the increased simplified acquisition threshold established under section 32A of the Office of Federal Procurement Policy Act (Public Law 93-400) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation supersedes the threshold established under this section. Section 32A is restated as section 1903 of the revised title.

DIVISION B—OFFICE OF FEDERAL PROCUREMENT POLICY
CHAPTER 11—ESTABLISHMENT OF OFFICE AND AUTHORITY AND FUNCTIONS OF ADMINISTRATOR

SUBCHAPTER I—GENERAL

- Sec.
 1101. Office of Federal Procurement Policy.
 1102. Administrator.
- SUBCHAPTER II—AUTHORITY AND FUNCTIONS OF THE ADMINISTRATOR
1121. General authority.
 1122. Functions.
 1123. Small business concerns.
 1124. Tests of innovative procurement methods and procedures.
 1125. Recipients of Federal grants or assistance.
 1126. Policy regarding consideration of contractor past performance.
 1127. Determining benchmark compensation amount.
 1128. Maintaining necessary capability with respect to acquisition of architectural and engineering services.
 1129. Center of excellence in contracting for services.
 1130. Effect of division on other law.
 1131. Annual report.

SUBCHAPTER I—GENERAL

§ 1101. Office of Federal Procurement Policy

(a) ORGANIZATION.—There is an Office of Federal Procurement Policy in the Office of Management and Budget.

(b) PURPOSES.—The purposes of the Office of Federal Procurement Policy are to—

- (1) provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies; and
- (2) promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be appropriated each fiscal year for the Office of Federal Procurement Policy to carry out the responsibilities of the Office for that fiscal year.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3684.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1101(a), (b)	41:404(a).	Pub. L. 93-400, §(5)(a), Aug. 30, 1974, 88 Stat. 797; Pub. L. 104-106, title XLIII, §4305(a)(1), Feb. 10, 1996, 110 Stat. 665.
1101(c)	41:410.	Pub. L. 93-400, §11, Aug. 30, 1974, 88 Stat. 799; Pub. L. 96-83, §7, Oct. 10, 1979, 93 Stat. 651; Pub. L. 98-191, §6, Dec. 1, 1983, 97 Stat. 1329; Pub. L. 100-679, §3(b), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 104-106, title XLIII, §4305(c)(2), Feb. 10, 1996, 110 Stat. 665.

REQUIREMENTS FOR USE OF APPROPRIATIONS BY EXECUTIVE AGENCIES FOR SERVICES BY CONTRACT

Pub. L. 102-394, title V, §502, Oct. 6, 1992, 106 Stat. 1825, provided that: “No part of any appropriation con-