**DETERMINATION AND FINDINGS**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTE OF HEALTH

DETERMINATION AND FINDINGS

AUTHORITY TO ENTER INTO A TIME AND MATERIALS CONTRACT TASK

FAR 16.601

**I HEREBY FIND THAT**:

(1) The Office of the Director (OD), Insert your institute here proposes to enter into a time and materials task order against the NIH Business and Professional Support Services (NIHBPSS) contract to provide business and professional support services.

(2) The anticipated benefits, anticipated costs (including fees) and contract time frames are as follows: an independent government cost estimate was developed which estimated the cost to be approximately $000000.00. The period of performance is anticipated to be (POP Start Date) through (POP End Date). This task will support several programs and activities:

1. [Enter Business support services]
2. [Enter Professional support services]
3. [Enter training services]

(3) The recommended contracting approach is: A time and materials or Labor Hours task order placed against the NIHBPSS Contract Vehicle. The proposed task order number is XXXX.

(4) Tradeoffs (cost, schedule, performance) for this approach among other approaches considered: Reference to FAR 12.207(b) (2) Each D&F required by paragraph (b)(1)(ii)(A) of this section shall contain sufficient facts and rationale to justify that no other contract type authorized by this subpart is suitable. At a minimum, the D&F shall-

(i) Include a description of the market research conducted (see [10.002](https://www.acquisition.gov/sites/default/files/current/far/html/Subpart%2010_0.html#wp1088824)(e));

(ii) Establish that it is not possible at the time of placing the contract or order to accurately estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence;

(iii) Establish that the requirement has been structured to maximize the use of firm-fixed-price or fixed-price with economic price adjustment contracts (e.g., by limiting the value or length of the time-and-material/labor-hour contract or order; establishing fixed prices for portions of the requirement) on future acquisitions for the same or similar requirements; and

(iv) Describe actions planned to maximize the use of firm-fixed-price or fixed-price with economic price adjustment contracts on future acquisitions for the same requirements.

(5) The services cannot be obtained as conveniently or economically by contracting directly with a private source.

**This is just a sample please insert information for your requirement where needed**

**I HEREBY DETERMINE THAT:**

The authority exists under FAR 16.601, to enter into a time and materials task order as the most advantageous to the Government, not withstanding fees and the increased risk associated with assisted contracting. Steps will be taken to ensure that task order funding will comply with the bona fide needs rule and the Anti-Deficiency Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date Contracting Officer

12/11