

TITLE 41

§ 253j. Task and delivery order contracts: orders

(a) Issuance of orders

The following actions are not required for issuance of a task or delivery order under a task or delivery order contract:

- (1) A separate notice for such order under section 416 of this title or section 637 (e) of title 15.
- (2) Except as provided in subsection (b) of this section, a competition (or a waiver of competition approved in accordance with section 253 (f) of this title) that is separate from that used for entering into the contract.

(b) Multiple award contracts

When multiple contracts are awarded under section 253h (d)(1)(B) or 253i (e) of this title, all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task or delivery order in excess of \$2,500 that is to be issued under any of the contracts unless—

- (1) the executive agency's need for the services or property ordered is of such unusual urgency that providing such opportunity to all such contractors would result in unacceptable delays in fulfilling that need;
- (2) only one such contractor is capable of providing the services or property required at the level of quality required because the services or property ordered are unique or highly specialized;
- (3) the task or delivery order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task or delivery order already issued on a competitive basis; or
- (4) it is necessary to place the order with a particular contractor in order to satisfy a minimum guarantee.

(c) Statement of work

A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

(d) Protests

A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

(e) Task and delivery order ombudsman

The head of each executive agency who awards multiple task or delivery order contracts pursuant to section 253h (d)(1)(B) or 253i (e) of this title shall appoint or designate a task and delivery order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task or delivery orders when required under subsection (b) of this section. The task and delivery order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the executive agency's competition advocate.

(f) Applicability

This section applies to task and delivery order contracts entered into under sections 253h and 253i of this title.