

REQUESTING GOODS AND SERVICES AT NIH

A Reference Guide for Scientists and Technicians



Prepared by the Delegated Procurement Branch
Division of Procurement

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INTRODUCTION

This guide is a general orientation for NIH scientific staff to the NIH procurement process, particularly the decentralized DELPRO purchasing system. It is intended to assist staff when the procurement of goods and services is required. The guide highlights key aspects of the procurement process and certain regulatory requirements.

THE BASICS

DEFINITIONS

Acquisition or procurement is an all-inclusive term for the process of getting what the Government needs to where it is needed, when it is needed, as economically as possible, and in compliance with legal and administrative requirements.

Small purchases refers to any transaction for supplies, services or equipment which does not exceed \$25,000.

DELPRO refers to authorities granted to the BIDs to make certain small purchases directly from vendors without utilizing the Division of Procurement. Simplified small purchase mechanisms, such as Blanket Purchase Agreements (BPA) and reprint orders, have been established to facilitate purchases through DELPRO. NIH's Division of Procurement procures items and services unavailable through DELPRO or which exceed DELPRO order limitations.

Regulatory compliance refers to the need for NIH purchases to be consistent with established laws and regulations. For example, the need to utilize small businesses to the maximum extent for small purchases and the need to compete to obtain the best prices are founded in various public laws which are designed to satisfy certain national goals and policies. Although some of the rules may appear to impede NIH research efforts, NIH has tried to implement a reasonable, common sense approach to meet these requirements.

RESPONSIBILITIES

A. Requestor:

The requestor is the person who initiates a request for goods and services. He/she is responsible for determining what is needed, describing the product or service in sufficient detail, furnishing information on other available sources (vendors), and providing any other information needed by the BID's ordering official who will place the order with the vendor. A written purchase request must be completed and given to the Ordering Official. At the very least this request, which may be on a BID created form or form NIH 1861-1, should contain the following information:

- A. Requestor's name and delivery address (Bldg. and Room).
- B. Description of the item (s) including the catalog number, where applicable. The description should be as complete as possible including size, make, model, color, material, etc. A statement of work or specifications may be needed for some requirements.
- C. Quantity and estimated costs.
- D. The delivery date required. This information should represent a realistic date and is used to determine the availability of the requirement from the vendor. Many requirements can be met by vendors within 10 working days. The use of the term ASAP (i.e., as soon as possible) and Urgent should be avoided unless justified.
- E. Recommended source (vendor), if known. If only one source can meet the requirement even though other vendors may sell similar items, a justification will need to be provided (see Justifications Section see Page 10).
- F. Justifications (any or all of the following may apply)

1. Programmatic -

Example: The purchase of furniture is necessary to accomodate a newly hired Associate Director for whom existing furniture is not available.

2. Personal Appeal -

Example: The purchase of a 35mm camera is necessary in order to take pictures of acrylamide gels of experimental results for inclusion in research notebooks.

3. Sole Source -

Example: We are replicating experimental procedures or protocols published (*cite journal article*) and the items specified in the procedures from this vendor must be used.

Once an order has been placed with the vendor by the Ordering Official, the Requestor has the responsibility to inspect the item(s) received for damage and correctness, accept or reject the item(s), and forward a signed receipt (usually the packing slip) to the ordering official within five days of receiving the item(s).

B. Ordering Official

The DELPRO ordering official is a specific BID individual generally responsible for processing a purchase request, following regulations and procedures, placing the order with the vendor, and maintaining the acquisition files. The duties typically include:

- A. Determining whether a mandatory source of supply can meet the requirement and the appropriate purchasing mechanism;
- B. Obtaining the vendor's catalog number, list price, net delivered price, and verifying that the appropriate discounts are obtained, where applicable;
- C. Preparing appropriate purchasing documents and clearance memoranda, obtaining justifications and clearances, etc.;
- D. Placing the order with the vendor and entering the order into the DELPRO System;
- E. Verifying the signed receipt from the Requestor to ensure that the items received were what was ordered. Notifies Requestor if invoices are received and receiving has not been accomplished.

- F. Entering receiving information in DELPRO within five (5) days to ensure that vendors are paid promptly, in accordance with the Prompt Payment Act;
- G. Assisting and/or resolving payment problems; checks unpaid invoices module weekly;
- H. Maintaining accurate records and acquisition files; and
- I. Being available to consult with a Requestor on procurement related issues.

C. Approving Official

DELPRO approving officials are individuals granted the authority to obligate the Government and are responsible overall for the acquisition activities of their respective area. They are also responsible for ensuring that:

- A. All orders placed in DELPRO are in accordance with established ordering procedures and dollar limitations;
- B. Sufficient funds are available prior to obligation;
- C. DELPRO small purchases satisfy regulatory requirements;
- D. Orders are personally reviewed daily and approved or disapproved;
- E. Adequate acquisition files are properly maintained by the ordering official; and
- F. Internal reviews are performed on the ordering official's activities, as necessary.

UNAUTHORIZED PROCUREMENTS

Policy

The Government is not bound by any orders placed by any individual who does not have acquisition authority or who exceeds his or her authority. Such orders must be ratified by the NIH Principal Official Responsible for Acquisition (PORA). If not approved, the individual responsible for the purchase may be legally and financially liable.

Unauthorized Procurement Actions (UPAs) typically occur when:

1. orders are placed by someone other than the authorized Ordering Official;
2. orders are placed with vendors who do not have a current Blanket Purchase Agreement or purchase order with the NIH;
3. orders are placed without entering them into the DELPRO and are, therefore, not approved;
4. orders are made in excess of the dollar limitations of the procurement mechanism or the Approving Official's delegated authority; or
5. a vendor mistakes a request for information about a particular item as an order.

Process

Requests for ratification of UPAs are to be submitted to the Delegated Procurement Branch using an On-line Requisition. A request for ratification does not in fact guarantee that the action will be ratified. Therefore, a thorough explanation of the circumstances relating to the unauthorized action is important. If the action is not ratified, the individual(s) responsible for the purchase may be legally and financially liable. An Approving Official's delegated authority may be rescinded if repeated violations leading to unauthorized procurements persist.

SOURCES OF SUPPLY

A. Mandatory Sources

There are certain mandatory government sources of supply (i.e., NIH Surplus, NIH Stock, UNICOR, The Workshops for the Blind and Severely Handicapped, General Services Administration (GSA) Stock, and Federal Supply Schedules) which NIH must use if those sources can meet our needs. NIH is required to check these sources before purchasing on the open market. The rationale for using mandatory sources is that supplies and services are normally (1) easier to obtain; (2) more cost effective because of large volume discounts; (3) have stable prices over a long period of time; and/or (4) reduce administrative costs. More detailed information is available in Appendix A.

Briefly, NIH Surplus should be checked first if a requirement is for furniture or equipment. Most items are in good condition or have been refurbished and are available at little or no cost. If consumable supplies are required, the NIH stock catalog should be checked. These items have been purchased in bulk quantities and offer a quick means to obtain requirements. If neither of these sources can meet the requirement, UNICOR (furniture) and the GSA Stock Catalog (furniture and consumable supplies) should be checked.

When these additional sources cannot satisfy the requested need, vendors with Federal Supply Schedule (FSS) contracts must be checked. These Government-wide contracts are established by the GSA with commercial firms to provide supplies, equipment, furniture, and services at stated prices for a given period of time. With these contracts, NIH is provided a simplified process for obtaining commonly used commodities at prices associated with volume buying. Hundreds of laboratory related items are available through FSS contracts. NIH has published the NIH YELLOW PAGES, A Guide to Purchasing From Federal Supply Schedule Commodities to assist staff in locating FSS contractors and the types of items they furnish. Justifications for using a large FSS vendor are not necessary. Finally, when FSS vendors cannot meet the need, purchases may be made on the open market.

B. Open Market Sources

Open market sources are commercial businesses, as well as educational and nonprofit institutions, whose goods and services are not covered by a mandatory contract. Use of an open market vendor is permitted whenever a mandatory source is unable to fulfill the requirements.

1. Small Business:

Federal law requires that open market purchases of \$25,000 or less be set aside for small businesses to ensure that a fair proportion of government dollars goes to the small business community. Purchases from mandatory sources are not subject to this requirement.

A reasonable effort should be made to locate an appropriate small business which can satisfy the requirements of the requestor. Therefore, all things being equal (market price, quality, and delivery), a small business firm should be selected when making open market purchases under \$25,000. The NIH-wide BPA Listing, which is updated weekly, can be used to identify sources, determine the vendor's size, and decide what commodities are sold.

If the purchase is from a small business for under \$25,000 and if the price is considered reasonable, the Ordering Official may proceed to purchase the item from that vendor. The Ordering Official determines the reasonableness of prices by comparing recent quotations against published catalog prices, market prices, delivery conditions (origin versus destination), time constraints. The Approving Official, upon approval of an order signifies agreement with the reasonableness of price.

If the purchase is to be made from a small business and the order is over \$1,000, the ordering official is required to seek competitive quotes from three sources (the suggested source and two other small businesses). Price, quality and delivery are used to determine which vendor will receive the order. When a determination is made that the quality of the product dictates a specific vendor and precludes competition, the requester must provide an adequate justification. See the Justifications Section on page 9.

2. Large Business:

Many scientific needs can only be met by large businesses on the open market. If the requestor determines that only a large business can satisfy his or her requirement, a justification is always necessary. The justification provided must be sufficient to adequately explain the circumstances for choosing the large business.

3. Buying from Small vs. Large Business on the Open Market

Competition and Justification Requirements

This checklist should be used only after the mandatory government sources have been checked and determined that they cannot meet the requirement(s).

Small Business

Large Business

Purchases
under \$1,000

No competition or Justification
to exclude other sources is
required.^{1,2}

All purchases from large
must be justified. If small
business is excluded based on
price, a price comparison with
one small business must be
provided. Justification to use a
large business may also be based
on item quality or delivery
considerations.

Purchases
over \$1,000

Competition among three
small businesses required
if not a sole source
purchase.

Justification always required. If
selection is based on price, must
compete with two small
businesses.

If the selection factor is other
than price, a justification
indicating item quality or
delivery considerations is
required.

If the selection factor is other
than price, a justification is
required which indicates item
quality, delivery, or other factors
used in selecting the vendor
(See page 9).

¹ When possible, purchases should be rotated among qualified vendors who provide the same item.

² Justifications may be required, however, for personal appeal items or to explain the programmatic need.

JUSTIFICATIONS

Justifications must be provided to the ordering official whenever the circumstances listed below exist. The examples provided should not be construed as the only justifications possible or acceptable. Justifications should fit the circumstances of the situation.

- A. For open market purchases under \$1,000 when a large business is required or over \$1,000 where a sole-source must be used. (*Note: The use of the words "quality" or "continuity" by themselves is not an acceptable justification.*)

Research Continuity or Quality Examples

- a. The research of this lab involves _____. The use of these particular radioisotopes from this vendor have been used over the past _____ years. We must continue to purchase these items in order to avoid the introduction of new variables into the experimental results and to avoid long delays resulting from retesting of products from other potential suppliers.
- b. Changing variables at this time would prevent correct interpretation of the experiment (s) in progress. (*Note: A manuscript in preparation, an annual report's title and ZO1 number, a protocol number, etc. must be cited in the justification.*)
- c. We are replicating experimental procedures or protocols published in _____ (*cite journal article*) and the items specified in the procedures from this supplier must be used.

Small vs. Large Business Examples

- a. A market search did not locate a small business that is competitive in terms of market price. Price quotes were obtained from small businesses _____ and _____.
- b. To meet this requirement, the small business sources contacted could not maintain the production of this essential requirement and a break in production would abort laboratory research and threaten the investment already made. The sources contacted were _____ and _____ (*include the price quotes*).

- c. This large business could meet our need by the required delivery date _____. Those small businesses contacted which were unable to meet delivery or availability were _____ and _____. (Give delivery dates of vendors checked.)

Compatibility Examples

- a. In order to comply with our maintenance contract or warranty, the required parts and supplies must be purchased from this vendor. (Give purchase order number or equipment brand and model).
- b. Replacement parts or accessories must be compatible with the existing equipment. (Give make and model of equipment and describe compatibility.)

Technical Consideration Examples

- a. Because of limited space requirements, only this vendor's product will fit into the space available for this equipment. (Describe requirement or give required dimensions.)
- b. The features of this equipment (such as top loading, digital versus analog, double doors, temperature range, etc.) are necessary to perform _____ experiments and are not found among other brands, such as _____ and _____.

Other Examples

- a. This manuscript was submitted to this publisher as appropriate scientific matter for the Journal of _____. After outside scientific review, the publisher has accepted the manuscript for publication.
- b. The lecturer is a recognized expert in the field of _____ and will discuss scientific findings relevant to this subject.

SOURCES OF SUPPLY
(in order of priority)

A. Consumable Supplies/Equipment/Furniture

(1) NIH or Other Agency Surplus Property -

Contains items ranging from furniture and office equipment to sophisticated scientific and technical equipment at little or no cost.

Updated lists of surplus property can be obtained by contacting the Property Utilization Section, Building 13, Room 2E67, 496-4247 or directly from WYLBUR by following these procedures:

- o Logon to WYLBUR (requires an account, ID, Password and box number) and type "USE FROM &ANF2DXF.NIH.SURPLUS.PROPERTY.LISTON FILE05".
- o Type "LIST" when the question mark appears and the items in surplus property that are currently available will appear on the screen. To find a particular piece of equipment type "list" and the first 3 or 4 letters of the type of equipment needed.
- o Type "LOGOFF CLR" to terminate the WYLBUR Session.
- o After identifying the item needed, call the Property Utilization Section, 496-4247 and give them the item and decal number appearing on the screen. A hold will be placed on the item.

(2) NIH Stock -

The NIH Central Stores Supply System maintains an extensive list of centrally stored, commonly used supplies in the following categories:

Laboratory Supplies
New Glassware
Photographic Supplies
Hospital and Surgical Supplies
Housekeeping and Maintenance Supplies
Office Supplies
Chemical Supplies

Envelopes and Forms
Animal Food and Bedding
Processed Sterile Glassware Services

All items appearing in the NIH Stock Catalog are **MANDATORY** and may not be purchased from another source without prior approval from the approving official.

(3) UNICOR (Federal Prison Systems) -

UNICOR provides products made by inmates at Federal Prisons, e.g., office accessories, metal, wood, executive, and ADP office furniture.

(4) Committee for Purchase from the Blind and Other Severely Handicapped -

Currently door signs and name plates can be obtained from a BPA with the D.C. Association for Retarded Citizens (BPA# 00014784).

(5) GSA Supply Stock Programs -

Includes a wide variety of supplies and equipment available from GSA Supply warehouses and the Defense Logistics Agency.

The GSA Supply Catalog contains a wide variety of general use items and many of special application. It is not a required source of supply for items found in the catalog that cost less than \$100.

(6) Mandatory Federal Supply Schedules -

Federal Supply Schedules offer a means of obtaining a wide variety of commodities such as office and laboratory supplies, chemicals, copier supplies, etc. Information regarding specific contractors and commodities covered is available from the *NIH YELLOW PAGES* or the Commercial Catalog Unit, 496-5551.

(7) Non-mandatory Federal Supply Schedules -

Applies to all purchases for telecommunication supplies and equipment, and ADP software, supplies and equipment. Purchasing from these vendors is not mandatory but prices may be the lowest.

(8) Open Market Vendors -

Includes educational and non-profit institutions. Vendors of last resort if the above sources of supply cannot satisfy your requirements. Competition requirements apply.

B. Services

(1) Required NIH sources -

Certain offices that have the necessary expertise for purchasing specific services such as art, graphics, photography, and printing services. Request for services should be directed to these offices following established procedures. For a list of required NIH sources and special instructions consult with your ordering official.

(2) Committee for Purchase from the Blind and Other Severely Handicapped -

Currently services for bulk mailings and temporary storage of publications can be obtained from a BPA with the D.C. Association for Retarded Citizens (BPA# 00014784).

(3) Mandatory Federal Supply Schedules -

Includes a wide range of services such as copier repairs.

(4) Non-mandatory Federal Supply Schedules -

Purchasing from these vendors is not mandatory and competition requirements apply.

(5) UNICOR (Federal Prison Systems) -

Includes services such as key punching.

(6) Open Market Vendors -

Includes educational and nonprofit institutions. Vendors of last resort if the above sources cannot satisfy your requirements. Competition requirements may apply.

APPENDIX B

BLANKET PURCHASE AGREEMENTS

A Blanket Purchase Agreement (BPA) is a purchase mechanism which is used to simplify buying through DELPRO. It is the Government equivalent of a charge account with the vendor. BPAs may be established with FSS vendors under the discounts, terms, and conditions specified in the contract.

BPAs may also be established with open market vendors. These are established with negotiated discounts for the commodities supplied by the vendors and these discounts are available to all NIH offices regardless of the amount purchased. As the quantity or dollar value of an order increases additional savings may be achieved.

If a BPA vendor can meet the requirements of the requestor, the Ordering Official will place a telephone order with the vendor. Since BPAs have order limitations, a request exceeding these limits must be placed by the Division of Procurement instead of the BID ordering official. Breaking up a request to circumvent the BPA limits is in violation of the regulations and is not permitted.

Each BPA is restricted to one or more commodities available from a vendor. If there are repetitive requirements for items with a company which has a BPA, but the BPA does not cover that commodity, the addition of that commodity to the BPA may be requested. A BPA can also be established with a vendor who does not currently have a BPA. In either case, the request is submitted through the BID Administrative Officer and must include a statement of the continuing need, how long the item has been used, how long its use will continue, the approximate dollars spent, the projected annual expenditures, and comments on the alternative BPA sources currently available.

Currently, the purchase of equipment on a BPA is limited to specific commodities and may not exceed \$1,000 per order. The ordering official should be consulted to determine if a specific BPA vendor is authorized to sell equipment.

NON-BPA PURCHASES

When BPAs cannot satisfy the requestor's requirements, the ordering official must submit either an Accelerated Purchase Request (APR) or On-line Requisition (RQM) to the Division of Procurement for ordering. The ordering official will advise if additional information is required in order to process the request.

APPENDIX C

PROFESSIONAL SERVICE ORDERS

The authority to place a purchase order under \$3,000 for professional services has been delegated to BID Approving Officials. A determination must be made if the services are personal and/or non-professional in nature and thus inappropriate for purchase via the professional service order.

The following are typical examples of nonpersonal professional services:

1. Serving as a guest speaker and/or lecturer for seminars, workshops, or meetings held primarily to exchange scientific information.
2. Serving on a review group for contract proposals or grant applications.
3. Conducting basic research, applied research and development, including biometry and epidemiological research studies, design, and development once the programmatic concept has been approved.

The acquisition of personal services is generally not permitted if it involves work which:

1. requires an employer-employee relationship;
2. is a type normally performed by regular Civil Service personnel;
3. is an integral part of the assigned mission of the laboratory/branch;
4. could reasonably be expected to last beyond one year;
5. uses tools and equipment supplied by the Government; or
6. is performed on Government premises.

Non-professional services, include but are not limited to, secretarial, or typing services, repair services, and cleaning services. These types of services are acquired through BPAs, contracts, or other purchasing mechanisms.

Advisory and Assistance Services are a subset of professional services. These services support or improve the operation of management systems, agency policy development, decision-making, management, and administration. Special clearances and funding are necessary when these services are requested. Examples of these services include:

1. technical representative services;
2. legal services;
3. program management/support services;
4. scientific data studies; and
5. management and support services for research and development.

Orders for professional services, including advisory and assistance services, may be placed through DELPRO up to \$3,000 per order. Requests exceeding \$3,000 are placed through the Division of Procurement. When these services are in excess of \$1,000 they must be competed or the order must contain a written justification for a sole source selection. This justification needs to be one or two sentences long. See the Justifications Section on page 10.

A typical honorarium paid for a lecturer or attendee at a workshop is \$150 per day. In accordance with the Federal Government's Joint Travel Regulations a per diem rate of \$121 per day or less may be paid. If travel is also authorized, the coach fare and other reasonable transportation costs, such as taxi fares, may also be authorized on the order.

Questions concerning the proper use professional services should be discussed with an Approving Official before an order is placed. This will promote uniformity and compliance with regulations. The ultimate decision in determining the appropriateness of a service request lies with the Approving Official.

APPENDIX D

REPRINTS AND MANUSCRIPT PUBLICATION COSTS

The purchase of reprints without covers and the payment of related manuscript charges (page charges, color photos, etc.) is permitted using a special DELPRO ordering mechanism. This mechanism is limited to purchasing up to \$500 for reprints without covers and \$1,000 for related manuscript publication costs. Reprints and manuscript costs can be combined on the same order as long as the individual limitations are not exceeded. If the requirements exceed these limitations, the request must be submitted to the Division of Procurement.

Reprints should never be directly rendered by a Requestor from a publisher without an assigned DELPRO order number.

The DELPRO reprint order and the order's terms and conditions must accompany the publisher's order form. This assures that the publisher will receive payment when the article is published and/or reprints are received months later. Should reprints be received without a DELPRO order being placed, the order is considered an Unauthorized Procurement Action and the Requestor may be held personally responsible for payment.

APPENDIX E

REPAIRS TO SCIENTIFIC EQUIPMENT

There are several ways available for the repair of scientific equipment. However, *only the Ordering Official is authorized to place orders for repairs.*

1. NIH-Wide Maintenance Contract - NIH has established fixed price, requirements contracts with some of the major scientific equipment manufacturers such as Beckman and DuPont. For a list of additional companies, contact the Ordering Official. These full-service contracts provide routine preventative maintenance service as well as unlimited emergency repair. The Ordering Official should consult the contract, the Project Officer, or the Contracting Officer to determine specific requirements and exclusions.
2. BID Specific Maintenance Contract - For other scientific equipment, individual maintenance orders/contracts can be established by the Division of Procurement for a particular laboratory/branch.
3. In-House Repair (BEIB) - Used to repair equipment not under any maintenance contract.
4. Repair Orders for Repair of Scientific Equipment - When BEIB cannot repair the equipment and a maintenance contract does not exist, the ordering official can place a special order known as a Repair of Scientific Equipment order. Repair costs cannot exceed \$2,500. If so, the order must be placed through the Division of Procurement.

APPENDIX F

CLEARANCES

Certain supplies, services, and equipment require special internal clearances prior to purchase. The ordering official or approving official has a list of those items subject to clearances. Examples include but are not limited to: ADP Equipment and Services, Art Work, Conference Space, Graphic Services, Photography, Office Furniture, Radioactive Materials, Service Contracting, X-Ray Units, and Controlled Substances.

INSPECTION AND ACCEPTANCE OF GOODS AND SERVICES

Inspection and acceptance are two of the most important components of the acquisition cycle. They have a direct impact on payments to the vendor and interest the Government may be required to pay under Public Law 97-177, The Prompt Payment Act. The BID ordering official is responsible for assuring that the receipt of all orders is entered into the DELPRO System within five days of receipt (physical possession.) Therefore, the Requestor must provide written documentation of the order's receipt to the Ordering Official.

It is the responsibility of the person accepting the order (typically the Requestor) to know the appropriate procedures for inspection and acceptance of supplies and services and the legal consequences of signing off on receipt of an order. Interest penalties are charged directly to the common account number (CAN) of the laboratory, branch, or office incurring these charges.

A. Inspection

After an item is delivered it must be inspected before being accepted. Inspection includes, but is not limited to:

- (1) making sure that what was ordered is what was delivered;
- (2) verifying quantity;
- (3) inspecting for damage or breakage; and
- (4) checking for operability.

If the items delivered do not conform to the order, the ordering official or approving official should be contacted. They will decide if action should be taken to reject the order.

B. Acceptance

Acceptance is the acknowledgement that the items or services delivered conform to the terms and conditions of the order. Staff should not accept orders for someone else. Once acceptance has been made, it is binding on the part of the Government.

Ownership of goods, as well as liability, passes to the Government upon formal acceptance regardless of when or where the Government takes

physical possession. The person who accepts the goods has the legal responsibility for the acceptance. It is imperative that he/she recognizes that responsibility and proceeds cautiously.

The packing slip and/or service report signed by the requester will become part of the acquisition file and will substantiate inspection, acceptance and receipt. If one is not available, that fact should be communicated to the Ordering Official.

C. Time Constraints

Upon receipt of a signed packing slip, an Ordering Official is required to enter receiving into the DELPRO system within 5 days of physical receipt of the items to assure that the Government will have an opportunity to take full advantage of any additional discounts offered by vendors for prompt payment. Likewise, if receiving is not entered promptly, the Government may be obligated to pay interest to the vendor according to the Prompt Payment Act which imposes interest penalties after 30 days from acceptance. Any interest paid will be charged to the organization placing the order.