Small Business Governmentwide Acquisition Contracts Ordering Guide

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Ordering Guide Overview

This ordering guide is intended to help ordering agencies, particularly contracting officers, effectively use the Small Business GWACs to deliver best value. It is divided into three Parts:

Part I – General Information, applicable to all of the current GSA Small Business GWACs,

Part II – GWAC Specific Information, and

Part III – Appendices

This Ordering Guide is not a stand-alone reference - it is recommended that the reader also become familiar with both the GWAC Contracts. This Ordering Guide may be revised from time to time. Updates to this publication, when they occur, will be available on the web www.gsa.gov/sbgwac.

Additional information available to assist ordering agencies in using the GWACs is available online at http://www.gsa.gov/sbgwac; this site includes links to the individual GWAC websites where a copy of the basic contract, an industry partner listing and other useful information can be found. Questions concerning this guide should be directed to a GWAC PCO identified in Part III - Appendix II.

This Ordering Guide refers to Orders and Task Orders interchangeably, both of which are defined by the definition of task order in FAR 2.101, where task order means "…an order for services placed against an established contract or with Government sources." Delivery orders as defined in FAR 2.101 are not within the scope of GSA Small Business GWACs.

Part I – General Information

Introduction

The General Services Administration (GSA), Federal Acquisition Service (FAS), Integrated Technology Services (ITS), Small Business Governmentwide Acquisition Contracts (GWAC) team (see Appendix II) awarded and supports a diversified portfolio of pre-competed, multiple-award Governmentwide acquisition contracts (GWAC) awarded to small business firms encouraging their success and movement into unrestricted acquisition environments. These industry partners specialize in providing innovative, information technology (IT) services and IT services-based solutions to federal agencies worldwide. The GWACs managed by the Division are 8(a) STARS II, Alliant Small Business and VETS.

Our goal is to streamline procuring IT Services for our federal customers through:

- *Access to high-quality industry partners*
- *Pre-competed, multiple award contracts*
- *Shortened procurement lead time*
- *Limited protestability*
- *Socioeconomic credit through FPDS-NG reporting*
- *Customer-focused staff with expertise in small business technology contracts*
- *Scope compatibility reviews of prospective orders and modifications*
- *Market research and capabilities support*
- *Consistent labor categories for all vendors on each contract*

Scope

A GWAC is defined as a task or delivery order contract for Information Technology (IT). All GWACs are operated by single agency designated by the Office of Management and Budget (OMB) as an Executive Agent. GWACs were established pursuant Section 5112(e) of the Clinger-Cohen Act and are not subject to the Economy Act.

In a June 6, 2008 memo, the OMB emphasized the numerous benefits interagency acquisitions have, including: economies of scale, contract efficiencies, and leveraging resources. Small business GWACs offered by the Division are in concert with OMB's stated policy on interagency contracting. Ordering under an OMB approved GWAC ***is presumed to be in the Government's best interest***.

The Department of Defense issued a memo on July 14, 2011 encouraging the use of Small Business GWACs to meet the Department's small business contracting and information technology needs.

Ordering from the Small Business GWACs

Access to the Small Business GWACs

Orders are awarded by warranted contracting officers who have received a written, GSA-issued Delegation of Procurement Authority (DPA), making them Ordering Contracting Officers (OCOs.) OCOs can work for their own agency or on behalf of another, as described below:

1. **Direct Acquisitions.** Under this scenario the customer agency is responsible for its own order acquisition and program management activities, and

2. **Assisted Acquisitions.** In this scenario an agency may elect to have an assisted acquisition organization provide full or partial order acquisition program and/or project management services through the Order life cycle. The scope and terms of the assisted acquisition support are directly arranged by the customer agency with the assisted acquisition organization agency, which in turn, will support the customer's Small Business GWAC requirements with a contracting officer holding a DPA.

   NOTE: Agency contracting officers should follow agency policy regarding any additional justification required, such as why the contract vehicle is best suited for the acquisition and the cost effectiveness of the acquisition.

Delegation of Procurement Authority (DPA)

Federal contracting officers who wish to order or administer orders on a GSA Small Business GWAC must receive applicable overview training and DPA, making them Ordering Contracting Officers (OCOs.) The training provides an overview of GWAC key features while the DPA establishes a clear division of labor between the OCO & GWAC PCO, fosters open communications and promotes successful outcomes. The DPA delineates between those OCO responsibilities derived from the OCO's warrant and those originating in the DPA itself.

It is a best practice for a DPA to be in place before a GWAC opportunity is competed[1]. A DPA is required prior to awarding and for administering Orders. While a DPA can only be granted to warranted federal contracting officers, all individuals on the acquisition team are encouraged to participate in DPA training.

While failure to follow the DPA requirement is not a violation of law or regulation, it unnecessarily increases procurement risk.

Overview Training

There are various ways to receive the DPA training:

1. **Defense Acquisition University (DAU) Online Courses**

   Continuous Learning Point (CLP)-certified GSA GWAC courses are available at www.dau.mil. You can select a specific GWAC course or the combined GSA GWACs' course:

   - FAC 039 GSA's Governmentwide Acquisition Contracts (GWACs) for IT Services,
   - FAC 040 GSA VETS GWAC,
   - FAC 041 GSA Alliant and Alliant Small Business GWACs, and
   - FAC 042 GSA 8(a) STARS II GWAC

2. **Webinar, Teleconference, Video Teleconference**

   To start the process of scheduling teleconference training, each contracting officer wanting delegation must submit the following information to the sbgwac@gsa.gov:

   1. Agency name, bureau/command name (if any), individual(s) full name, street address, e-mail address, phone number and fax number, and
   2. Names of other individuals who may be participating in the contract overview training but not seeking delegation.

[1] See 8(a) STARS II Specific information in Part II of this ordering guide for exception.

After receipt of this information, a GSA associate will contact the requestor(s) to set up the contract orientation. This contract orientation will take approximately one hour and may offer CLP credit.

3. **On-site for Large Groups of Contracting Officers and IT Program Officials**

   Please contact the Small Business GWAC Division for details at sbgwac@gsa.gov or (877)327-8732.

4. **Review of Small Business GWAC Ordering Guide**

   A thorough review and understanding of the Small Business GWAC ordering guide will also satisfy the training requirement. A current version of the Small Business ordering guide can be found at www.gsa.gov/sbgwac. Since the ordering guide is subject to change, please check back periodically for updates.

Requesting a DPA

Once the overview training has been completed, the final step is to request a DPA. To initiate the request, please visit the Delegation of Procurement Authority section of the website found at www.gsa.gov/sbgwac, complete and submit the DPA Request Form. A GSA will typically respond within 24 hours.

DPA Portability

Should an OCO change US federal agencies the DPA does not transfer. In that circumstance the OCO should e-mail sbgwac@gsa.gov to request a new DPA be issued reflecting the OCO's new organization. Retaking the overview training is not required.

If an OCO leaves federal employment or a task order is reassigned, the OCO should e-mail sbgwac@gsa.gov to inform GSA. In that notice it would be helpful, when known, to identify the successor OCO.

Order Types

Authorized order types[2] available under the Small Business GWACs are:

1. Fixed-Price Family (FAR 16.2)
2. Time & Materials (FAR 16.6)
3. Labor Hour (FAR 16.6)
4. Cost-Reimbursement (FAR 16.3) ***Alliant Small Business Only***[3]
5. Hybrid blends of the above types
6. Incentives tied to the above order types (FAR 16.4)

[2] See FAR 16.104 for factors in selecting contract types
[3] See Alliant Small Business Specific information in Part II

Time & Materials and Labor Hour

If not using Fixed-Price Order Type, FAR 16.601(d) requires contracting officers to document the rationale which applies to other Order Types. The determination and findings required by FAR 16.601(d) requires a higher level of review - please check agency guidance for the required level of review and approval.

Hybrid Blends

Some Orders may have work containing a combination of contract types (i.e., Fixed-Price, Time & Materials and Labor Hour). The OCO is responsible for identifying the applicable order type(s), and making the order terms clear within the RFQ/RFP and resulting order.

Incentive

The OCO must evaluate and determine the appropriateness of all incentive terms, develop a surveillance plan to implement and monitor an Award-Fee, Incentive-Fee, or Award-Term results in accordance with FAR 15.4 and FAR 16.4.

Order Process

The OCO is responsible for acquisition planning and conducting due diligence. The process to award a task order can be configured to agency needs, provided it is consistent with the terms and conditions of the GWAC, customer agency policy, and the ordering procedures at FAR 16.505.

PLEASE READ FAR 16.505.

It is recommended that OCOs keep RFQ/RFP submission requirements to the necessary minimum to promote competition. Once a DPA is granted, the OCO follows their internal process for planning, funding the requirement, gaining any necessary approvals and documenting the Order.

The Order process may be represented in seven steps:

Step 1: Plan the Acquisition

Per FAR 16.505 (a)(8), orders issued under a task order or delivery order contract awarded by another agency (i.e., a GWAC or multi-agency contract) **are not exempt from the development of acquisition plans in accordance with FAR 7 and FAR 39**. When developing the acquisition plan, the competition requirements in FAR 6 and the policies in FAR 15.3 do not automatically apply to the ordering process. FAR 16.505 instructs regarding task order source selection.

The total estimated life cycle value of a procurement including options should be considered in developing an acquisition strategy. Tasks shall not be split to avoid threshold limitations. The basic task and any modifications must stay within scope of the GWAC and the Order.

The OCO shall document a Determination of Best Procurement Approach in accordance with FAR 17.502-1. Agency policy may address of what that documentation is to consist, but certainly it can cite OMB's memo. of June 6, 2008 establishing that Ordering under an OMB approved GWAC ***is presumed to be in the Government's best interest***.

Step 2: Define Requirement and Develop Solicitation

Investing sufficient time and effort up front to write clear, high-quality, requirements provides the government a baseline for the development of other parts of the solicitation, particularly the evaluation criteria and proposal instructions. Clearly defined requirements facilitate a more accurate Government estimate and more accurate budgeting. In addition, clearly defined requirements help industry to better understand agency requirements and needs – thereby facilitating more accurate costs or pricing and higher quality proposals. Potential post award benefits include minimizing the need for change orders and modifications, better assessment criteria for measuring industry partner performance, and reducing claims and disputes.

Performance Based Service Acquisition

Performance-Based Service Acquisition (PBSA) is an acquisition structured around the results to be achieved as opposed to the manner by which the work is to be performed.

Pursuant to FAR 37.601, performance-based contracts for services shall include:

1. A performance work statement (PWS) or statement of objectives (SOO) per FAR 37.102(a),
2. Measurable performance standards,
3. Method of assessing contractor performance against performance standards, and
4. Performance incentives where appropriate.

Develop the Order Solicitation

A solicitation may be in the form of a RFP or RFQ <u>and the OCO should be familiar with the process differences associated with each</u>. A solicitation must include a work statement, evaluation factors suitable for the instant requirement, contract type, price or cost instructions, period and place of performance, closing date/deadline, applicable instructions and other information (e.g., agency specific clauses, cyber-security requirements, etc.) applicable to the work effort.

<u>Price or cost must be an evaluation factor for all task orders.</u>

Evaluation factors other than price or cost should be limited to meaningful discriminators. In order to reduce administrative costs and time for both the contractor and government it is a best practice to provide clear instructions for proposal preparation and to keep submission requirements to the necessary minimum - which facilitates increased competition and reduced procurement lead times, enabling contractors to provide more innovative solutions at better prices. As previously mentioned in the acquisition planning topic, above, the competition requirements in FAR 6 and the policies in FAR 15.3 do not automatically apply to the ordering process. FAR 16.505 instructs about task order source selection.

Provision and Clause Configuration

Provisions and clauses supplementing the FAR, which are prescribed and included in authorized agency acquisition regulations, may be added in Order solicitations so long as they are not inconsistent with the basic contract's terms. Refer to FAR 52.101(b)(2)(i)(A-C) for examples of provisions and clauses. The OCO is responsible for clearly identifying the applicable provision and clause configuration in task order solicitations.

Step 3: Optional Scope Compatibility Reviews for Prospective Orders

GSA offers OCOs an opportunity to utilize the no-cost scope compatibility review service for the Small Business GWACs. This quality assurance measure has been made available for those federal agencies that would like assistance in determining overall scope fit of a prospective requirement, or modification to an existing order, on a Small Business GWAC.

OCOs may request scope compatibility reviews at any time during the acquisition process and are encouraged to do so prior to competing order opportunities or entering into directed order negotiations. To get started review "Request an Optional Scope Review" on the GWAC website www.gsa.gov/gwacs and follow the instructions.

Step 4: Issue Solicitation

Directed Orders

APPLICABLE TO 8(a) STARS II GWAC ONLY. See 8(a) STARS II Specific information in Part II of this ordering guide.

Competitive Task Orders – Provide Fair Opportunity to be Considered

The Small Business GWACs were awarded using competitive procedures resulting in multiple awards. Unless an exception applies, all orders with an estimated value expected to exceed the micro purchase threshold are to result from a fair opportunity to be considered per FAR 16.505(b)(1).

In accordance with FAR 16.505(b)(1)(iv), for task or delivery Orders in excess of **$5,000,000**, the contracting agency's obligation to provide "a fair opportunity to be considered" is not met unless "all contractors" are provided the following:

1) A notice of the Order that includes a clear statement of the agency's requirements,

2) A reasonable period of time to provide a proposal in response to the notice,

3) Disclosure of the significant factors and sub factors, including price or cost, which the agency expects to consider in evaluating such proposals, and their relative importance,

4) In the case of an award that is to be made on a best-value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors, and

5) An opportunity for a post-award debriefing if timely requested.

The government may disseminate RFI/RFQ/RFPs via e-mail, facsimile, GSA's e-Buy at www.gsa.gov/ebuy, commercial mail carrier or other electronic means as prescribed by the OCO's agency. Solicitation synopsis in FedBizOpps is not generally required or recommended under indefinite-delivery contracts, but may be required for specialized appropriations. OCOs should consider using a disseminating task order solicitations that establishes receipt, and not just transmission. GSA's e-Buy is one such system.

The following pertain to all task orders:

1. Evaluation criteria will be established in the RFQ/RFP (price or cost will always be a criterion), pursuant to FAR 16.505 with the aim of achieving best value. FAR part 15 evaluations are not required; however, if a FAR Part 15 task order solicitation process is not intended, it is a best practice to state that in your RFQ/RFP. FAR 16.505(b)(1)(ii) provides great latitude in designing a streamlined evaluation methodology (e.g., multi-phased approach), and we encourage utilizing that latitude in ways which are reasonable for your requirements,

2. Past experience may be evaluated at the prime or the subcontractor level depending on Ordering agency needs,

3. Past performance was a criterion for basic contract award. OCOs may again use past performance as an evaluation criterion for task orders estimated to exceed $100,000,

4. Either tradeoff or low price - technically acceptable evaluations are valid best value methods authorized for task order source selection,

5. Oral presentations may be implemented, and

6. The OCO may evaluate quotations and proposals without discussions and should make that a clear expectation in the task order RFQ/RFP. If the OCO intends to award using a methodology that includes discussions, that should be clearly identified in the task order RFQ/RFP.

Exceptions to Fair Opportunity

Some acquisitions, though infrequent, may require an OCO to utilize a fair opportunity exception. Any exception to the fair opportunity process must be consistent with FAR 16.505(b)(2)(i). If an exception to the fair opportunity process is used, OCOs must ensure that justification, approval, and posting requirements[4] are completed in accordance with FAR 16.505(b)(2)(ii). These are the only exceptions:

1. The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

2. Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized,

3. The Order must be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an Order already issued under the contract, provided that all awardees were given a fair opportunity for the original Order,

4. It is necessary to place an Order to satisfy a minimum guarantee (reserved for the GWAC PCO),

5. For Orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source, and

6. In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in FAR 19 apply. Since implementation could be problematic OCOs should consult the GWAC PCOs before attempting this.

[4] See Appendix XI in Part III of this ordering guide

Streamlined/Multi-Phased Task Order Competitions

A multi-phased approach is a streamlined evaluation process that may be used to save time and resources for the contractor and the government. There are several benefits to a streamlined multi-phased approach, such as reducing the time and resources expended in the competition, lowering proposal preparation costs, and improving the exchange of information between the government and the offerors. Regardless of the approach chosen, all contractors must be afforded a fair opportunity to be considered, requiring a full understanding of FAR 16.505.

Various multi-phased approaches are feasible. A recommended best practice outlined below and consists of two phases:

Phase One

1. Develop a preliminary RFQ or RFP that includes salient characteristics of the specific requirement (e.g. work synopsis, cyber security needs, security clearance needs, specialized information, certifications required, deliverables, response requirements, etc.) and discloses the general basis on which selections will be made.
    1. Instruct industry partner to inform the OCO of their affirmative interest in the competition by the date shown in the preliminary RFQ or RFP or they will not be included in phase two. Include a statement that a non-response in the affirmative will constitute an opt-out,
    2. Establish a response deadline that makes sense for phase one, understanding that the bid/proposal effort for phase one is typically minimal for the industry partners. A few days will typically suffice, and
    3. Transmit the preliminary RFQ/RFP to the industry partners to determine their interest in the competition, permitting them to opt-in or opt-out of phase two. GSA's e-Buy is recommended, which will allow the OCO to include only the chosen GWAC's industry partners, and provides proof that that it was posted. Industry partners are responsible for monitoring e-Buy and keeping their information current.
2. Maintain a record of the preliminary RFQ or RFP transmittal, evidence of receipt and responses in the order file to document use of fair opportunity procedures. Save transmission failure notices for the record. Make sure to reasonably assess and address any transmission failures to ensure fair opportunity to be considered is provided. Consult with the GWAC PCO for advice on transmission failures. Using E-Buy provides a high degree of assurance that fair opportunity to be considered has been provided.
3. The OCO must include all of the industry partners that have indicated interest in further consideration/opted-in for phase two, but not those which did not respond in the affirmative under phase one.

Phase Two

Please ensure that all industry partners which opted-in during Phase One receive a copy of the RFQ or RFP in Phase Two. Historically, this process reduces the number of proposals by targeting those industry partners that have researched their current capabilities and availability, and provides useful acquisition planning/logistical/milestone information. GSA's eBuy is not recommended as a means of issuing the Phase Two solicitation as it does not allow restriction to a sub-set of the industry partners.

Step 5: Evaluate Proposals

OCOs should evaluate proposals based on criteria stated in the task order. Evaluation methods based on FAR and client agency policies are useful guides for OCOs in order to achieve best value.

Price Evaluation

The OCO is responsible for completing and documenting price reasonableness consistent with FAR 15.4.

The Contract Access Fee (CAF) is 0.75% to be applied to the total price for contractor performance as billed to the government on each task order. Industry partners are accountable to remit required CAF to GSA. Industry partners need not automatically quote or propose CAF separate from their other pricing unless required by GWAC, e.g. for Alliant Small Business cost-reimbursement task orders. However, as necessary OCOs may require industry partners to identify CAF as a separate Contract Line Item Number (CLIN) in fixed-price, time and materials (T&M) or labor hour (LH) order quotes or proposals, which may impact pre-priced GWAC labor category ceiling rates – so consult the GWAC PCO regarding that matter.

Fixed Price

The OCO must determine fair and reasonable pricing for all Fixed-Price orders in accordance with FAR 15.4 and FAR 16.2. OCOs may find the competitive T&M and L-H prices in the applicable GWAC to be useful in developing government estimates.

Time & Materials and Labor Hour

The competitive, fully burdened, ceiling rates on the individual basic contracts are very useful pricing references for OCOs to incorporate into their price analysis for T&M and/or LH orders. This ceiling pricing is available on the individual GWAC websites.

The OCO is responsible for considering the place of performance, level of effort, and the mix of labor proposed to perform a specific task being ordered, and for determining that the total price for the task order is appropriate given the requirements and task order type.

Since negotiation and/or competition for orders may result in lower pricing, basic contract line item prices are not to be accepted by OCOs automatically as verbatim order prices. The OCO should review order prices in accordance with FAR 15.4 and FAR 16.601.

When specialized labor category requirements not included in the baseline requirements of the established GWAC pricing apply that increase the cost of performance, e.g. specialized security clearances, OCOs may allow industry partners to exceed established pricing. If this is planned by the OCO it can be accounted for in the solicitation instructions by requiring industry partners to explain and justify in their task order quotes or proposals any rates that exceed those in the basic contract. To that end, OCOs may require other than cost or pricing data in support of each rate that exceeds a basic contract rate to include, for example, a rate cost element breakdown in accordance with the industry partner's accounting system, as well as any other supporting information the OCO deems necessary.

There are various payments clauses applicable to T&M or LH service procurements. The OCO should ensure that the applicable payments clause(s) is clearly cited and configured in each order RFQ/RFP and resulting task order. The FAR prescription for use and customer agency guidance on choice of germane payments clause and its configuration provides sufficient detail for the OCO to complete this responsibility. Please refer to Appendix IX for additional guidance regarding the implementation of FAR 52.232-7, Payments under T&M and LH Contracts.

Incentives

The OCO must evaluate and determine the appropriateness of all Incentive terms, and develop a surveillance plan to implement and monitor an Award-Fee, Incentive-Fee, or Award-Term result in accordance with FAR 15.4 and FAR 16.4. OCOs considering incentives are reminded of their obligations under FAR 1.602-2.

Cost Reimbursement

APPLICABLE TO ALLIANT SMALL BUSINESS GWAC ONLY. See Alliant Small Business Specific information in Part II of this ordering guide.

Step 6: Task Order Award Documentation, Debriefings and Protests

Award Documentation

FAR 16.505(b)(5) -- Ordering, states that the OCO shall document in the Order file the rationale for placement and price of each Order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision. The contract file shall also identify the basis for using an exception to fair opportunity in accordance with FAR 16.505(b)(2) – Exceptions to the Fair Opportunity Process. The document supporting the award should be sufficiently detailed to clearly explain why the industry partner was selected for award.

Task orders may be issued on any federal agency authorized form. Task orders may be distributed by mail, fax or e-mail. Oral Orders are not authorized. In accordance with the delegation of procurement authority, one copy of the task order and any subsequent modifications, along with a copy of the SOW/PWS/SOO, shall be sent to the Division via fax or email[5]

Announcement of Award

Announcement of task order award to all competing offerors is strongly encouraged when a fair opportunity to be considered is provided, especially for awards greater than $5,000,000. It is generally not necessary to announce task order awards in FedBizOpps. As previously mentioned, use of a fair opportunity exception may require posting (FAR 16.505(b)(2)(ii)(D)).

Debriefing

In accordance with FAR 16.505(b)(4), debriefings consistent with FAR 15.506, or authorized customer agency supplement, are required when timely requested for Orders greater than $5,000,000. Debriefings for Orders less than $5,000,000 are also encouraged, but are not required.

Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) procedures increase the opportunity for relatively inexpensive and expeditious resolution of issues in controversy. These procedures may be used at any time that the OCO has authority to resolve the issue in controversy. If the contractor submits a claim, ADR procedures may be applied to all or part of the claim. When ADR procedures are used after the issuance of an OCO's final decision, the time limitations or procedural requirements for filing an appeal of the OCO's final decision are not altered.

Task Order Level Protest

In accordance with FAR 16.505(a)(10), no protest under $10,000,000 is authorized in connection with the issuance or proposed issuance of an Order under a Task-Order Contract or Delivery-Order Contract, except for a protest on the grounds that the Order increases the scope, period of performance, or maximum value of the Contract. The Government Accounting Office (GAO) has exclusive jurisdiction over any protests greater than $10,000,000.

Ombudsman

In accordance with FAR 16.505(b)(6) [and 10 U.S.C. § 2304c(3)], complaints related to matters affecting Order award may be directed to the designated Ombudsman.

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[5] See Appendix II in Part III of this ordering guide.

Step 7: Administer and Closeout the Task Order

Quality Assurance – Industry Partner Surveillance

The OCO is responsible for insuring industry partner performance meets the minimum requirements established in the task order, documenting the task order file and communicating with the industry partner to ensure the government is receiving the contracted services. If industry partner performance monitoring is delegated to a Contracting Officer Representative (COR) or Contracting Officer Technical Representative (COTR), the specific authority/limitations should be documented in accordance with FAR 1.602-2(d) and a copy provided to the industry partner.

Reporting Past Performance

At completion of order performance, and annually for orders with a period of performance exceeding one year, the OCO is required by FAR 42.15 to complete a past performance record for the industry partner. Customer agencies participating in the Integrated Acquisition Environment have established a Governmentwide past performance platform relying upon CPARS as a feeder system to PPIRS.

Reporting and Task Order Closeout

The DPA provides details about the reporting expectations for OCOs. The GWAC PCO is available to consult with OCOs about those requirements.

It is the OCO's responsibility to close out Orders per FAR 4.804 and 4.805. Please provide a copy of close out modifications to the GSA in accordance with the DPA.

Other Ordering Considerations

Potential Organizational Conflicts of Interest

If a task order solicitation might create a potential or actual conflict of interest, the OCO should identify the potential or actual conflict and decide if a remediation approach is available which mitigates the risk or if other appropriate action is necessary consistent with FAR 9.5. The OCO will routinely work with their agency legal counsel on such matters.

If an OCO discovers a potential or actual conflict of interest after task order issuance, the OCO should conduct due diligence and determine if the waiver discussed at FAR 9.503 is warranted, and take appropriate action.

Industry Partner Responsibility – Task Order Level

Overall responsibility has been determined for each GWAC industry partner per FAR 9.1. However, in accordance with FAR 9.405-1 and the Office of Federal Procurement Policy Memorandum, "Contractor Responsibility Determinations and Indefinite-Delivery Contracts," dated April 16, 2002, it is highly recommended that OCOs complete and document an Excluded Parties List review (SAM.gov) on industry partners they intend to award task orders to prior to making each task order award.

Task Order Funding

Funding for each order shall be at the order level. Incremental funding strategies may be used when consistent with customer agency policy. OCOs should ensure that funding supporting order work is

appropriate for the type and range of contemplated work. All orders are subject to funding agency appropriation guidelines.

Assuring IT Services are the Principle Purpose of Every Task Order

For a current definition of IT, see FAR 2.101.

OCO due diligence and consultation with the Division[6] are beneficial risk mitigation strategies for assuring potential work is a good fit for the Small Business GWACs, especially for higher risk work areas. Special attention should be given to ensure the following high risk areas have an IT services outcome:

- Ancillary Construction
- Business Process Re-engineering
- Call Centers
- Contingency Planning
- Data Entry
- Disaster Preparedness/Recovery
- Documentation
- Enterprise Resource Planning
- Equipment Inventory and Maintenance
- Hardware/Software Maintenance
- Help Desk
- Foreign Area Work
- Physical Security
- Non-IT Professional Services
- Software Licensing/Software License Management

Higher risk work areas can often be configured in task orders if they are properly vetted and addressed. By the same token, under representation of IT services and over representation of ancillary support (non-IT services and/or products) can occur, and may be problematic.

The Division is pleased to partner with OCOs through DPA training, providing the individual contracts on the GWAC websites, providing the Small Business GWAC ordering guide, and offering the Advance Scope Compatibility Review process in order to proactively advise OCOs in these matters.

Not Allowed on the Small Business GWACs

- Orders for which IT services are not the principle purpose,
- Renting/ Leasing – an industry partner, as a private party, may enter into rental or lease agreements for real or personal property in order to fulfill order requirements as a service, but the government will not be a signatory to such agreements,
- Blanket Purchase Agreements – consult with a Small Business GWAC PCO for contractual strategies to create order flexibility,
- Oral orders, and
- Orders for which supplies or software/hardware are the principle purpose.

[6] See Appendix VI in Part II of this ordering guide

Cyber Security Considerations

Cyber Security requirements have the basic contract clause baseline and further requirements should be built in to the task order work statement and clauses by the ordering agency.

Security Clearance Considerations for Classified Task Orders

Security clearance requirements will be dictated by agency needs. Before issuing an RFI, RFQ or RFP for a classified order, a determination should be made as to whether or not access to anything classified will be required during the solicitation process. Appropriately cleared personnel should manage work requiring clearance.

Access is Required during Solicitation Process

All prospective industry partners which may receive the RFI, RFQ or RFP must possess the appropriate facility clearance, safeguarding capability and personnel security clearance in order to access the solicitation package. This may be determined by checking their credentials.

Access is NOT Required during Solicitation Process

Prospective industry partners do not have to possess facility clearances, safeguarding and personnel clearances to receive or review the RFI/RFQ/RFP.

Solicitation and task orders should specify if facility security clearance granted by a cognizant security agency[7] (CSA) is required, and the highest required facility security clearance level. If the customer agency prefers or requires clearances from a particular CSA, it should be stated in the solicitation.

Solicitations and task orders should specify if SENSITIVE COMPARTMENTED INFORMATION, TOP SECRET, SECRET, or CONFIDENTIAL industrial personnel security clearances granted by a CSA are required. Unless the requiring activity has a bona-fide reason for precluding interim personnel security clearances, they should be considered equivalent to non-interim.

Solicitations and task orders should specify if CSA cleared safeguarding is required and the highest required level. The safeguarding level should not exceed the facility security clearance level.

If the agency requirement is for active facility security clearance and/or current personnel security clearances as an award prerequisite, it should be identified in the solicitation. When required as a condition of award, the following sample language is suggested for the solicitation:

> *The government considers the requirement for _____(cite the applicable clearance(s) & safeguarding) _____ a definitive responsibility matter, i.e., Offerors must submit proof of these credentials before task order award. This proof shall be made available to the government after the deadline for receipt of quotes/proposals within five (5) working days of the government's request for it. Failure to submit that information within five (5) working days will be deemed a material nonconformity and result in your non-selection/offer rejection. Competitors are advised to have clearance documentation available when the government requests it.*

[7] There are four different CSAs, the Department of Defense, the Department of Energy, the Central Intelligence Agency, and the Nuclear Regulatory Commission

Subcontracting

In accordance with the 13 CFR 125.6, a small business concern contracting for services will perform at least 50 percent of cost of the contract incurred for personnel with its own employees. This is also in the Small Business GWACs in FAR Clause 52.219-14, Limitation on Subcontracting. All contract holders are responsible for managing the balance of workload being performed under their contract(s).

While it is reasonable small business industry partners may manage capacity building through subcontracting with other companies to provide scalability in the early stages of performance on large task orders, it is a best practice to require industry partners to disclose the amount of work they intend to perform with their own resources in order quotations and proposals. Industry partner team arrangements, in the form of prime contractor-subcontractor relationships, may be desirable from both a government and industry standpoint in order to enable the companies involved to complement each other's unique capabilities and offer the government the best combination of performance, cost, and delivery for the service being acquired.

OCO consent to subcontract may be implemented in accordance with FAR 44.2 and FAR 52.244-2. OCOs may require subcontractor responsibility determinations of prospective subcontractors per FAR 9.103(b) and 9.104-1. When consent to subcontract is a requirement, GWAC PCO subcontractor consent is not required – only OCO consent.

See the GWAC-specific information in Part II for more subcontracting considerations for small business GWACs.

Order Duration

The basic contract term for each Small Business GWAC is one five-year base period with one five-year option period.

The term for each task order placed under the basic contract shall be specified in the individual task order. Under no circumstances may a new task order be placed under the basic contract if the basic contract is not in effect, has expired, or has been terminated.

Task orders may be awarded during the basic contract's life, which is also referred to as the Contract Ordering Period (COP). Therefore the COP, like the basic contract term, is for a five-year base period with one five-year option. Task orders may not be issued outside the COP. Use of an exception to a fair opportunity to be considered IS NOT A CONTRACT OPTION as contemplated by FAR 17.2, it is a new order subject to award during the COP.

Awarded task order duration is not dependent upon GSA exercising the basic contract's option. This means that an OCO can exercise a task order option period even if the basic contract is no longer available for new task orders. OCOs are required to document that task order options are in the best interest of the government consistent with FAR 17.207 and authorized customer agency supplement.

When citing options in an order, the price or cost for the performance of the work must be established and evaluated in the initial order, including building in price or cost for any use of FAR 52.217-8.

Specific order duration guidelines for the individual GWACs are addressed in Part II of this ordering guide and in the basic contracts online at their respective websites.

Task Order Size Rerepresentation

FAR 52.219-28, Post Award Small Business Program Re-representation, addresses size re-representation under long term contracts such as the Small Business GWACs. However, OCOs have the discretion to require a re-representation of the industry partner's size status as a condition of task

order award. If an OCO intends to require a task order level size re-representation as a condition of task order award, they should explicitly make that assertion in the task order solicitation by following the guidance in Appendix X.

Additional size status considerations for the individual Small Business GWACs are addressed in the GWAC specific information in Part II of this ordering guide

Solicitation Cancellation

Cancellation of a task order RFQ/RFP is at the discretion of the OCO. RFQ cancellation requires minimal justification while RFP cancellation may be necessary and justified for any or all of the three (3) reasons listed below, and it is a good practice for the OCO to document the cancellation decision rationale and have the cancellation decision approved pursuant to OCO agency policy:

- Services are no longer required, or are significantly changed;
- All offers received are at unreasonable prices, or only one offer is received, and the OCO cannot determine the reasonableness of the price;
- For other reasons, cancellation is clearly in the public's interest.

Service Contract Act

The Small Business GWACs labor categories are considered bona-fide executive, administrative, professional labor and generally exempt from the Service Contract Act (SCA). To the extent that any labor is subject to the SCA and within scope of a task order and the individual GWAC, the OCO must identify such work under a separate CLIN on the task order and apply wages in accordance with FAR 22.10.

The GWACs do not include all applicable flow-down clauses for labor categories subject to the SCA. Each task order must be tailored to include the appropriate clauses.

Davis Bacon Act & Construction

OCOs are reminded that the principle purpose of each task order shall be IT services. The OCO shall ensure the compatibility of appropriations.

To the extent that construction, alteration and repair are subject to the Davis Bacon Act and within scope of a task order and the GWAC, the OCO must identify such work under a separate CLIN on the task order and apply wages in accordance with FAR 22.404. Any construction, alteration and repair shall be firm fixed price, even if other aspects of the task order are another type.

The GWACs do not include all applicable flow-down clauses for labor categories subject to the Davis Bacon Act. Each task order must be tailored to include the appropriate clauses.

Rights in Data

Rights in Data is a highly specialized area. The OCO should ensure that the applicable Rights in Data clause(s) is clearly assigned in each task order solicitation and resulting task order.

Rights Reserved by the GWAC PCO

Only GWAC PCOs are authorized to modify basic contract terms and conditions and authorize DPAs. OCOs may not transfer DPA.

Part II – GWAC Specific Information

Part I covers all of the small business GWACs. Part II covers information unique to a specific GWAC.

8(a) STARS II

The 8(a) STARS II GWAC (STARS II) is a competitively awarded, multiple-award, indefinite-delivery, indefinite-quantity contract. STARS II was authorized under the provisions of Section 8(a) of the Small Business Act 15 U.S.C. 637(a) and retains the 8(a) sole source, aka "directed order", authority found in FAR 19.8. STARS II resulted from a competitive 8(a) procurement, which was offered to and accepted into the SBA 8(a) program; therefore order requirements do not require an additional offer and acceptance from SBA per 19.804-6(a).

> ***NOTE: 8(a) STARS II task orders are 8(a) awards and future requirements are subject to SBA approval to remove from the 8(a) program in accordance with 13 CFR 124.504(d).***

STARS II enables federal agencies to fulfill mission requirements and, at the same time, assists in meeting or exceeding socioeconomic goals through the utilization of businesses which were certified 8(a) eligible by the SBA. Federal agencies may earn 8(a) credit and other applicable socioeconomic procurement preference credits[8] that each industry partner possesses. These socioeconomic designations are indicated on the STARS II industry partner list on the STARS II website, www.gsa.gov/8astars2.

STARS II is a ten-year contract, consisting of one five-year base and one five-year option period, affording the opportunity for industry partners to develop and create sustainable businesses. STARS II has a maximum contract life cycle value of $10B.

Scope

STARS II is intended to support federal agency Information Technology (IT) services requirements. The geographical scope of coverage is worldwide and organizations authorized in GSA Order ADM 4800.2#, currently 4800.2H (see Appendix IV) may use the STARS II GWAC.

In the context of STARS II, IT services encompasses requirements having a principal purpose/core work grounded in one of the four NAICS codes, from the 2007 NAICS shown below. Therefore, it is beneficial to be familiar with the NAICS code definitions and guidance[9] on selecting a primary NAICS code for procurements. It is also beneficial to be familiar with the NAICS code system itself, http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007

STARS II's scope generally provides flexibility at the order level to include ancillary services and/or equipment that the government determines to be integral and necessary to the IT services-based solution. STARS II's scope is agile and will automatically keep pace as IT evolves within a STARS II NAICS code's boundaries.

Each functional area (FA) is tied to a NAICS code, which delimits the principle purpose for the FA:

- NAICS 541511 is FA 1
- NAICS 541512 is FA 2
- NAICS 541513 is FA 3

[8] Agencies may earn socioeconomic credit provided the industry partner remains a small business concern on the STARS II GWAC.
[9] FAR 19.102(c-d)

- NAICS 541519 is FA 4

There is a different population, or pool, of industry partners in each FA. In planning for and determining that an order is within the scope for STARS II, the analysis should span the prospective order's full life cycle potential.

In addition to FAs, STARS II includes two Constellations, or tiers. Constellation One (I) industry partners were determined to be technically proficient with competitive pricing, while Constellation Two (II) industry partners were determined to be technically proficient with competitive pricing, and possessed a minimum of one specified industry credential identified below:

- Capabilities Maturity Model Integration (CMMI) Level II or above, in Services or Development,

- International Standards Organization (ISO) 9001:2000, or ISO 9001:2008

To select the applicable Constellation for each order opportunity, the following guidance is provided:

If the government determines that there is a clear need or perceived benefit to the government expected from one of the specified industry credentials, the opportunity belongs in Constellation II, otherwise the opportunity belongs in Constellation I.

The OCO will select the applicable Constellation and Functional Area for each order opportunity during acquisition planning. The following table shows the Constellations and FAs.

Directed Orders

STARS II allows for directed orders under the competitive threshold, currently $4.0 million, per FAR 19.804-6, and has the same, per order, ceiling on directed orders for all industry partners. The rationale at FAR 19.804-2(a)10, (i) or (ii), is germane to directed orders. In a July 29, 2009, memorandum from the Office of Management and Budget, the Director cited that Agencies *should not count as high risk* those acquisitions made noncompetitively pursuant to a statute, including sole source awards made under the small business development 8(a) program.

The 5th Fair Opportunity Exception, FAR 16.505(b)(2)(i)(E), is typically applicable to STARS II directed orders. The 6th Fair Opportunity Exception might also be utilized.

An OCO interested in competing a requirement under the competitive threshold should consult with a STARS II PCO to discuss the necessary SBA waiver.

8(a) Status

Industry partners on STARS II qualified, at the time of award, as 8(a) small business concerns. They also came on board at various points in their 8(a) program participation period. Receiving 8(a) credit for STARS II orders does not depend upon a STARS II industry partner being a small business in general, only on the STARS II contract.

FAR 52.219-28, Post Award Small Business Program Re-representation, addresses size re-representation under long term contracts such as STARS II, and is associated with SBA and FAR final rules, released at 71 FR 66434 and 74 FR 11821 & 14492, respectively. FAR 52.219-28 requires that an industry partner on the contract report to a STARS II PCO if it undergoes a merger or acquisition, with or without novation, allowing up to 30 days to make that report, whereupon size re-representation is required. If the merged or acquired industry partner remains a small business concern on the GWAC, things remain the same. If the merged or acquired industry partner becomes other than a small business concern, it is promptly reclassified as an other than small business concern - the practical impact being that:

1) Existing orders with the contractor may continue,

2) Pre-priced options on said existing orders may be exercised at the OCO's discretion but won't provide 8(a) credit,

3) New orders may be awarded to the contractor but they won't provide 8(a) credit, and

4) The industry partner is referred to SBA under the terms of an 8(a) ownership change, as described below.

Prior to exercising the contract level option period in 2016, all industry partners will be required to re-represent business size status per FAR 52.219-28, Post Award Small Business Program Re-representation. If the contract option is exercised, each industry partner remaining on the contract will have its FPDS-NG record updated to reflect its status as either a small business concern on the contract, or as other than a small business concern on the contract, on the industry partner listing on www.gsa.gov/8astars2. Consequently, those industry partners which remain small business concerns on the contract after the contract option will continue to provide 8(a) credit for new orders, and for options on existing and new orders.

Conversely, if an order was awarded to an industry partner that was a small business on the GWAC prior to the contract option period, and if the industry partner is other than a small business concern after the contract option period, new orders and all option periods under existing orders that occur after the contract's option period, in 2016, will not provide 8(a) credit. Alternatively, each Industry partner that would become other than a small business concern were its contract option exercised will have the choice to not have the option exercised, in which case existing orders would continue to provide small business credit.

8(a) Program Graduation

Graduation from the 8(a) program is not a triggering event for size re-representation promulgated by FAR 52.219-28, or by its associated SBA and FAR final rules, released at 71 FR 66434 and 74 FR 11821 & 14492, respectively. Such industry partners retain full use of their contract pursuant to the contract's terms and conditions per 13 CFR 124.503(h)(1)(iii), updated in a SBA Final Rule released in 2011, found in 76 FR 8222 (specifically on page 8259). This is also consistent with FAR 19.804-6(c).

8(a) Program Termination due to Change in Ownership

Similar to the requirements of FAR 52.219-28, FAR 52.215-19 requires STARS II contract holders to report to SBA, and to a STARS II PCO, upon any change in ownership. Since 8(a) status, in part, depends upon the business owner meeting certain qualification requirements, if that owner is no longer in control of the organization, regardless of if it results from a merger or acquisition, or some other circumstance, SBA is invested with the authority to determine if the organization will or won't be terminated from the 8(a) program. If terminated, the organization will no longer be eligible for 8(a) program benefits.

When FAR 52.215-19 applies, until SBA makes such a decision that an 8(a) program participant is or isn't terminated from the 8(a) program, a STARS II industry partner will remain an active contract holder, and no other 8(a) organization can challenge such an organization's eligibility to participate on the basis of its 8(a) status, pursuant to 13 CFR 124.517(a) "The eligibility of a Participant for a sole source or competitive 8(a) requirement may not be challenged by another Participant or any other party, either to SBA or any administrative forum as part of a bid or other contract protest."

During the interim, between the time a STARS II industry partner reports a triggering event subject to FAR 52.215-19, and SBA's decision in the matter, if the change in ownership results in the change in the organization from a small business concern, to an other than small business concern, under the size re-representation requirements of FAR 52.219-28, which has a separate notification requirement to a STARS II PCO, the organization will be reclassified as no longer being a small business concern. In such a case, 8(a) credit won't apply to orders resulting from quotes or proposals received after that point. If SBA terminates the organization's participation in the 8(a) program, GSA will promptly follow suit, and remove the industry partner from STARS II by way of a no cost cancellation, or, if necessary, a termination for convenience. The practical impact being that:

1) Existing orders with the contractor may continue,

2) Pre-priced options on said existing orders may be exercised at the OCO's discretion but won't provide 8(a) credit, and

3) No new orders may be awarded to the contractor (unless quotes or offers had been received from the industry partner prior to the effective date of the termination – such quotes or proposals may be considered at the OCO's discretion).

In the situation where an 8(a) graduate experiences an ownership change and is taken over by new owner, and/or undergoes a merger or acquisition with an entity who/that is not eligible to participate in 8(a) program benefits, or is no longer a small business concern the organization is still required to comply with FAR 52.215-19 and 52.219-28 notification requirements. In such circumstances SBA typically declines to exercise further jurisdiction in FAR 52.219-15 ownership matters because as an 8(a) program graduate the organization is no longer receiving 8(a) program benefits. In those instances the industry partner will be removed from STARS II by way of no cost cancellation or - if necessary - a termination for convenience, the practical impact being that:

1) Existing orders with the contractor may continue,

2) Pre-priced options on said existing orders may be exercised at the OCO's discretion but won't provide 8(a) credit, and

3) No new orders may be awarded to the contractor (unless quotes or offers had been received from the industry partner prior to the effective date of the termination – such quotes or proposals may be considered at the OCO's discretion).

Alliant Small Business

The Alliant Small Business (SB) GWAC is a competitively awarded multiple award, indefinite-delivery, indefinite-quantity small business set-aside contract. Alliant SB is a ten-year (five-year base, with a five-year option) contract that has a maximum contract value of $15 billion. The contract is designed to provide flexible and responsive IT services and IT services-based solutions to federal agencies worldwide, while strengthening competitive opportunities in federal contracting for small businesses. Alliant SB offers advantages to pre-qualified small businesses to compete amongst a defined group of contract holders, while maintaining a competitive, highly-qualified collection of industry partners for customer agencies.

Alliant SB enables federal agencies to fulfill their IT services and IT services-based solutions requirements and at the same time meet or exceed socioeconomic goals through the utilization of small businesses. With the exception of 8(a), federal agencies earn all other applicable procurement preference credits that each awardee possesses when awarding a task order.

Scope

All Alliant SB GWAC Orders shall clearly provide, as their principal purpose, IT services-based outcomes. In planning for and determining that an Order is intended to result in an IT services-based outcome, the analysis should span the prospective Order's full potential life cycle. The scope of the Alliant SB GWAC includes any and all components of an integrated IT services-based solution (see Appendix VI), including all current and any new technologies which may emerge during the life cycle of the basic contract, and IT systems and services in support of National Security Systems, as defined in FAR 39.002. Orders may include the integration of various technologies and include ancillary support that the OCO deems necessary and integral to the IT services-based outcomes being acquired.

As the definition of IT changes over the lifecycle of the basic contract, the scope of the basic contract will be considered to coincide with the current definition at any given time. The primary NAICS Code for Alliant SB is 541512 but it does not delimit the scope. For scope refer to Section C of the basic contract.

The geographical scope of coverage is worldwide and organizations authorized in GSA Order ADM 4800.2#, currently 4800.2H (see Appendix IV) may use the Alliant SB GWAC.

Cost-Reimbursement Orders

Cost reimbursement (CR) contracting is a highly specialized area necessitating the OCO and the ordering agency to address the gamut of responsibilities associated therewith.

Because CR contracts provide contractors with no direct incentive to control costs, implementation should be carefully planned and managed. OCOs should consider the risks assumed by the government as a result of using CR contracts and document both 1) those risks and 2) how they will be mitigated and managed.

OCOs should determine the adequacy of the government resources to properly plan for and administer a CR procurement and identify action plans to minimize the use of other than firm fixed-price contracts on future acquisitions for the same requirement [See, for instance, FAR 16.103(d)(1) and FAR 16.301-3(a)(4)(i)]

A cost reimbursement contract may be used only when

1. FAR 16.104 and FAR 16.301-3 have been addressed, and

2. A written acquisition plan has been approved at the applicable level, in which FAR 16.103(d)(1) should be addressed.

Contractor Cost Accounting Systems

The cost accounting system(s) for the Alliant Small Business (ASB) Primes were determined adequate for master contract award – however that does not guarantee that all ASB prime contractors presently have adequate cost accounting systems. As the status of contractor cost accounting system adequacy changes from time to time, the question of which ASB prime contractors presently have adequate cost accounting systems can be explored by OCOs through market research/capabilities research before a task order solicitation is issued – and should be vetted in task order source selection.

In CR task order solicitations OCOs should be sure to include a requirement for an adequate accounting system and to address if that is a go/no go factor, which is typical, or a matter of responsibility. In awarding ASB adequate accounting systems was a go/no-go factor and was supported by the outcome in B-299557, May 3, 2007, wherein the offeror did not demonstrate in response to the solicitation that it possessed the required adequate accounting system and so its offer was removed from the competition because of the material nonconformity.

ASB primes with awarded ASB CR task orders are required to notify the PCO and designated OCO in writing of any changes in the status of their cost accounting system and to provide the reason(s) for the change.

Contracting Purchasing Systems

This was not a requirement of the ASB contract. If purchasing system adequacy is a task order requirement include it in the source selection criteria.

Cost Evaluation

The OCO must determine cost allowability, allocability and realism and also must analyze and negotiate fee for all CR orders. Refer to FAR 15.4 and FAR 16.3.

Forward Pricing Rate Agreements (FPRA)

FPRA and provisional billing rates (PBR) are not maintained by the ASB contracting officer. Requests for existing FPRA and/or PBR may be made by the OCO of the ASB primes. It is typical for OCOs to require contractors to build their cost proposals using their latest FPRA or PBR, whichever is most current and to provide evidence of approval of same from a cognizant auditing agency/activity.

OCOs may work with cognizant auditing agencies/activities for new FPRA and/or PBR.

Incurred Cost Audits

As mentioned above, OCOs and ordering agencies are responsible for the gamut of cost reimbursement contracting responsibilities, including incurred cost audits and for reconciling those results with applicable PBR or FPRA.

Hybrid Orders including some Cost Reimbursement Work

Some Orders may have work containing a combination of contract types, i.e., Fixed-Price, Cost-Reimbursement, Time & Materials and Labor-Hour. The OCO is responsible for identifying the applicable Order type(s), and making the Order terms clear, which should be stated in the RFQ/RFP and resulting Order. See FAR Part 16.104 for factors in selecting contract types.

Eligibility to Perform as Prime Contractors on Task Orders in the Option Period

In support of socioeconomic public policy all Alliant SB prime contractors had to initially qualify as small business concerns (SBCs) in the open market in order to be identified as a SBC on Alliant SB. As time passes circumstances can change and a given contractor is no longer considered a SBC in the open market, but in more limited circumstances an Alliant SB prime contractor is no longer a SBC on Alliant SB.

In order for a task order awarded under Alliant SB to receive small business credit the Alliant SB prime contractor must be a SBC on Alliant SB, and not have become an other than a SBC on Alliant SB.

FAR 52.219-28 addresses triggers requiring prime contractors on long-term contracts, including Alliant SB, to re-represent small business size status in the open market and to apply the results to the long-term contract by updating the contract's FPDS records and to also consider other impacts. One of those triggers, applying to all prime contractors on Alliant SB, is prior to the 6th contract year/in association with the Alliant SB option period. The five-year option was exercised for the period February 3, 2014 through February 2, 2019.

Impact to Alliant SB Prime Contractors of Becoming Other Than a Small Business Concern on Alliant SB

FAR 52.219-28 and FAR 17.207(e)(2) prompt the Alliant SB contracting officer to consider the effect of Alliant SB prime contractor size on the Alliant SB option. Hence, beginning 03 FEB 2014 the following terms and conditions apply governing if Alliant SB prime contractors may compete for and perform as prime contractors on Alliant SB option-period task orders[10]:

- Task order awards competed pursuant to the fair opportunity to be considered standard described in FAR 16.505 may only be made to Alliant SB prime contractors that are considered SBC on Alliant SB[11]. Hence, Alliant SB prime contractors that are considered other than a SBC on Alliant SB are not eligible to compete as Alliant SB prime contractors for such task orders and should not respond to Alliant SB requests for information (RFI), requests for quotation (RFQ) or requests for proposals (RFP) subject to a fair opportunity to be considered[12].

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[10] Any Alliant SB task order awarded after 02 FEB 2014 is considered to be an Alliant SB option-period task order unless it resulted from a proposal submitted in response to a request for proposals (and not a request for quotations or a request for information) provided the contractor's proposal upon which the task order award was based was received by the cognizant contracting officer prior to 03 FEB 2014 and the proposal includes the technical and cost or pricing information sought by the RFP.

[11] GSA strives to maintain a current list of Alliant SB prime contractors and their size status on the underlying contract at the GSA Alliant SB website, www.gsa.gov/alliantsb

[12] In addition to including those Alliant SB prime contractors that are SBC on Alliant SB in RFIs, RFQs and RFPs subject to a fair opportunity to be considered, during the Alliant SB option period OCOs may, but are not required to, include those Alliant SB prime contractors that are other than a SBC on Alliant SB in order to promote teaming. Alliant SB prime contractors that are other than a SBC on Alliant SB during the option period might not be removed from the Alliant SB E-Buy distribution lists so might be included in Alliant SB E-Buy RFIs, RFQs and RFPs. However, the mere inclusion of one or more Alliant SB prime contractors that is other than a SBC on Alliant SB during the option period on Alliant SB RFIs, RFQs or RFPs does not establish a right to respond or to be awarded any resulting task order(s).

- OCOs may implement one or more of the three exceptions to a fair opportunity to be considered identified below in order to complete task order award to Alliant SB prime contractors considered other than a SBC on Alliant SB[13]. Those exceptions are:

  1. The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays (FAR 16.505(b)(2)(i)(A)),

  2. Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized (FAR 16.505(b)(2)(i)(B)), and

  3. The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order (FAR 16.505(b)(2)(i)(C)).

  No other exceptions to a fair opportunity to be considered are available to OCOs to access Alliant SB prime contractors considered other than a SBC on Alliant SB.

During the Alliant SB option period an Alliant SB prime contractor that became other than a SBC on Alliant SB based upon the size re-representation tied to the Alliant SB option period may subsequently recover its status as a SBC on Alliant SB by later operation of FAR 52.219-28.

[13] Alliant SB customers that have already competed and awarded an Alliant SB task order did so under contract terms and conditions that provided for the benefit of a “logical follow on” task order so that exception is preserved. Similarly, the other two cited exceptions available to OCOs depend upon rigorous rationale being applicable so they too are preserved.

VETS

The Veterans Technology Services (VETS) GWAC has a unique market niche as the GWAC awarded to service-disabled veteran-owned small business (SDVOSB) IT firms. There are two functional areas covering a broad IT scope with approximately 20 awardees. Awarding a task order to a SDVOSB provides socioeconomic credit toward established SDVOSB goals.

Scope

The scope of the VETS GWAC includes IT services and IT services-based solutions in two functional areas derived from the work scope in Section C of the contract. For the current definition of IT, see Federal Acquisition Regulation (FAR) 2.101 (http://acquisition.gov/far/index.html). In planning for and determining that IT services are the principle purpose, the analysis should span the entire expected life of the task order, inclusive of task order options.

The geographical scope of coverage is worldwide organizations authorized in GSA Order ADM 4800.2#, currently 4800.2H (see Appendix IV) may use the VETS GWAC. Orders are not authorized in combat areas or in areas the State department has advised American citizens to avoid or depart. See basic contract Section B.10, Foreign Area Travel/Work.

The VETS option period (February 2, 2012 – February 1, 2017) has been exercised. GSA exercised the option period with over 30 small business prime contractors, and with conditions, to nine prime contractors that had organically grown to be other than small businesses. While the terms of the contract prohibit any of the *other than small* VETS prime contractors identified on the industry partner listing found at www.gsa.gov/vetsgwac from directly responding to solicitations and/or being awarded new task orders, they may be included in task order solicitation distribution. Hence, only the listed prime contractors identified as small businesses are eligible for new task order awards after February 1, 2012.

There are two functional areas (FA) on the VETS GWAC. The following service North American Industry Classification System (http://www.census.gov/eos/www/naics/) codes:

541512[14]	Computer Systems Design Services
541511	Custom Computer Programming Services
541513	Computer Facilities Management Services
541519	Other Computer Related Services
518210	Data Processing, Hosting, and Related Services
611420	Computer Training

All the above mentioned codes are applicable to both VETS GWAC FAs.

Functional Area 1 (FA1) is for operations, maintenance and security of existing information technology. See the VETS GWAC Section C for details.

Functional Area 2 (FA2) is for engineering and security of information technology systems. See the VETS GWAC Section C for details.

Tasks may be competed across both FAs when the expected work is prospectively balanced across both FAs. However, if expected work clearly fits in a FA, multi-FA competition is not indicated.

One scenario where an OCO would compete an opportunity across both FAs is when expected work is balanced between system sustainment and system engineering.

[14] This is the VETS GWAC primary NAICS code, but it does not delimit the scope. For scope refer to Section C of the basic contract

When in doubt about scope, or simply out of an abundance of caution, contact the VETS GWAC Procuring Contracting Officer for a scope compatibility review.

Subcontracting Considerations

In accordance with the 13 CFR 125.6 a small business concern contracting for services will perform at least 50 percent of the personnel cost of the contract with its own employees. That's the general rule for small businesses. There is a related special provision for SDVOSB contractors with regard to subcontracting stating that, in the case of a contract for services (except construction), the Service-Disabled Veteran-Owned Small Business Concern (SDVOSBC) must perform at least 50% of the personnel cost of the contract with the concern's employees and/or on the employees of other SDVOSB concerns. That affords VETS GWAC primes the opportunity to team with other SDVOSB concerns to achieve the necessary SDVOSB mix.

All VETS contract holders are responsible for managing the balance of workload being performed under their contract with the SDVOSB mix requirements in mind. The requirements from 13 CFR identified above are contained in the VETS GWAC in clause FAR 52.219-27. At the contract level it is a GSA requirement of the VETS Industry Partners to submit semi-annual subcontracting data/reports to the Small Business GWAC Division.

It is important for OCOs to understand the difference between the applications of these requirements at the contract/VETS GWAC level contrasted with the task order level. These requirements apply at the contract/VETS GWAC level. However, their principles may be explored during acquisition planning for individual task order solicitations and resulting task orders.

Contract sections G.17 and G.24 establish subcontracting tracking and reporting requirements for VETS GWAC prime contractors. OCOs may establish in task order solicitations the amount of participation required of SDVOSBs on a given task order as a go-no go evaluation factor for order award or as a comparative evaluation factor in a tradeoff evaluation when they deem it is in the government's interests. In some cases this is accomplished by specifically applying FAR 52.219-14 and FAR 52.219-27 to the task order level.

Specifying that VETS industry partners shall disclose the work they intend to perform with their own resources, with the resources of other SDVOSBs and with non-SDVOSBs is a best practice in task order solicitations which don't establish a SDVOSB participation evaluation factor.

Part III – Appendices

Appendix I – Roles and Responsibilities

GSA is designated by OMB to issue and administer the Small Business GWACs. With that designation, rests oversight. In addition to reviewing task order scope and addressing any scope incompatibility, GSA reports the following to the OMB:

- Statistics on fair opportunity ordering
- The number of task orders that include performance-based terms
- Task order types
- Competitive participation levels for task orders
- Exceptions to the fair opportunity
- Task order award values
- Socio-economic breakdown

Typical responsibilities for GWAC PCOs, requiring activities and OCOs are shown below, and are established in writing between the parties in a written GSA issued Delegation of Procurement Authority (DPA). A specimen DPA is available in Appendix VIII.

GWAC PCOs

Award, administer, and oversee the GWACs, which include, but are not limited to:

- Have exclusive, non-delegable rights to modify basic contract terms and conditions
- Provide advice and guidance to Ordering/requiring activities, OCOs and Industry partners regarding scope and acquisition regulations
- Help Ordering/requiring activities understand how the Small Business GWACs can be used to meet IT requirements
- Conduct Meetings with GWAC industry partners
- Review Subcontract Reporting and Quarterly Status Reporting

Requiring Activity

- Defines task order requirements
- Prepares work statement for task order RFQs/RFPs
- Funds requirements
- Ensures IT capital planning when appropriate
- Assists OCO with quote/proposal evaluation
- Assists OCO with performance monitoring and appraisal

OCO

Award, administer and oversee the task orders, which include, but are not limited to:

- Serve as the default COR/COTR for orders (may re-delegate this in writing)
- Place order(s) per DPA terms
- May not modify the basic VETS contracts
- Maintain focus on individual orders
- Provide for a fair opportunity to be considered per FAR 16.505
- Manage order administration

- Oversee and execute in-scope order modifications
- Resolve order disputes
- Ensure FPDS-NG reporting is completed
- Ensure all task orders and support information are forwarded to GSA timely
- Ensure past performance is completed in accordance with agency procedures
- Ensure all task orders are for IT services or IT services-based solutions
- Perform order close out

NOTE: Some of the responsibilities are attributed to the OCO's warrant/FAR-based responsibilities and federal funds stewardship, while others are attributed to the OCO's GWAC-based responsibilities.

Appendix II – GSA Small Business GWAC Contacts

Small Business Governmentwide Acquisition Contracts Team
U.S. General Services Administration
Small Business GWAC Division
1500 East Bannister Road, Room 1076
Kansas City, MO 64131
Toll free: 1-877-327-8732
Fax: 816-823-1608
Web: www.gsa.gov/sbgwac

Contracting

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Janna Babcock
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Meredith Wassenberg
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Business Development

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Herman Lyons
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Dean Cole
Alliant SB Business Development Specialist
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Jihyun Huyck
VETS Business Development Specialist
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jihyun.huyck@gsa.gov

Appendix III – References and Resources

Federal Acquisition Regulations
http://acquisition.gov/comp/far/index.html

Federal Procurement Data System – Next Generation
https://www.fpds.gov/

Central Contractor Registration
http://www.ccr.gov/

Small Business Administration
http://www.sba.gov/

SBA 8(a) Business Development Program
http://www.sba.gov/8a

Local Resources at SBA
http://www.sba.gov/localresources/index.html

Section 508 Accessibility Standards
http://www.access-board.gov/sec508/standards.htm

GSAM-General Services Administration Acquisition Manual
http://acquisition.gov/comp/gsam/gsam.html

e-Buy
www.ebuy.gsa.gov

e-Library
www.gsaelibrary.gsa.gov

Information Technology Solutions Shop (ITSS)
http://itss.gsa.gov

United States Department of Veterans Affairs
www.va.gov, www.vetbiz.gov

Small Business Administration, Office of Veterans Business Development:
http://www.sba.gov/aboutsba/sbaprograms/ovbd/index.html
http://www.sba.gov/vets/

Small Business Administration, Veterans Business Outreach Program
http://www.sba.gov/aboutsba/sbaprograms/ovbd/OVBD_VBOP.html

North American Industrial Classification System (2007 NAICS)
http://www.census.gov

System for Award Management
https://www.sam.gov

Appendix IV – Eligibility to Use GSA Sources of Supply

GSA Order ADM 4800.2#

This order provides definitions and listings of agencies and other activities authorized to use GSA sources of supply and services. It also provides definitive guidelines concerning eligibility requirements.

Organizations authorized in GSA Order ADM 4800.2#, currently 4800.2H (see Appendix IV) may use the GWACs.

The latest GSA Order ADM 4800.2# applies and can be found at:

http://www.gsa.gov/portal/content/104212

Appendix V – Glossary

ARRA	American Recovery and Reinvestment Act of 2009 (the Recovery Act) PL 111-5.
Basic Contract	The GWAC-level contract (i.e. 8(a) STARS II, Alliant SB, VETS)
CO	Contracting Officer
COR	Contracting Officer's Representative
COTR	Contracting Officer's Technical Representative
CPARS	Contractor Performance Assessment Reporting System. Used to document contractor performance. www.cpars.gov
Division	The Small Business GWAC Division
DPA	Delegation of Procurement Authority
eBuy	Electronic Request for Quote (RFQ) / Request for Proposal (RFP) system designed to allow federal buyers to request information, find sources, and prepare RFQs/RFPs online. www.ebuy.gsa.gov
eLibrary	On-line research tool for buyer to find information for GSA GWACs. www.gsa.gov/elibrary
FA	Functional Area
Fair Opportunity	Fair Opportunity to compete will normally be provided to all Contract holders on all RFQ/RFP/Orders exceeding $3,000.00 ($4,000,000.00 for 8(a) STARS II), unless a fair opportunity exception found in Federal Acquisition Regulation (FAR) 16.505(b)(2) applies.
FAR	Federal Acquisition Regulations www.acquisition.gov
FBO	FedBizOpps, Federal Business Opportunities www.fbo.gov
FFATA	Federal Funding and Accountability Transparency Act www.ffata.org
FPDS-NG	Federal Procurement Data System – Next Generation www.fpds.gov
GSA	General Services Administration
GWAC	Governmentwide Acquisition Contract in accordance with FAR 2.101 is a task order or delivery order contract for information technology established by one agency for Governmentwide use that is operated— (1) By an Executive Agent designated by the Office of Management and Budget pursuant to 40 U.S.C. 11302(e); or (2) Under a delegation of procurement authority issued by the General Services Administration (GSA) prior to August 7, 1996, under authority granted GSA by former section 40 U.S.C. 759, repealed by Pub. L. 104-106. The Economy Act does not apply to task orders under a Governmentwide acquisition contract.
IDIQ	Indefinite Delivery, Indefinite Quantity (see FAR 16)

IT	Information Technology (see FAR 2.101)
ITSS	IT Solutions Shop. Web location for GWAC sales reporting and GSA Ordering itss.gsa.gov
NAICS	North American Industrial Classification System www.census.gov/naics
NDAA	National Defense Authorization Act
OCO	Ordering Contracting Officer
Order	Procurement awarded under the basic contract. Synonymous with Task Order in this Ordering Guide. See FAR 2.1
PCO	Procuring Contracting Officer
PPIRS	Past Performance Information Retrieval System www.ppirs.gov
PWS	Performance Work Statement
RFI	Request for Information
RFP	Request for Proposal
RFQ	Request for Quote/Quotation
SAM.gov	The System for Award Management (SAM) is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS. https://www.sam.gov
SBGWAC Division	Small Business Governmentwide Acquisition Contract Division
Service-Connected	With the respect to disability or death, that such disability was incurred or aggravated, in line of duty in the active military, naval, or air service
Service-Disabled Veteran	A veteran, as defined in 38 U.S.C 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16) 38 U.S.C. 1010(2).
Service-Disabled Veteran-Owned Small Business (SDVOSB)	Must be at least 51 percent owned by one or more service-disabled veterans or in the case of publicly owned by one or more service-disabled veterans and must be managed by a service-disabled veteran
SOO	Statement of Objectives
SOW	Statement of Work
Task Order	Procurement awarded under the basic contract. Synonymous with Order in this Ordering Guide. See FAR 2.1
Veteran	A person who serviced in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.
Work Statement	Generic term for Statement of Work, Statement of Objectives, Performance Work Statement, etc.

Appendix VI – Scope Compatibility Review Request

In order to expedite your request for a scope review, please attach 1) this completed form, using additional pages as necessary, along with 2) the work statement and 3) a detailed government estimate (if any) to an email addressed to SOWreview@gsa.gov.

Project Name _____

Project Number _____

Agency _____

Contracting Officer

Name _____

Phone Number _____

E-mail _____

Program Contact

Name _____

Phone Number _____

E-mail _____

Estimated Task Order Amount Inclusive of Options _____
(Attach detailed government estimate, if any)

Best fit NAICS code for Project _____

Estimated Solicitation Date _____

Desired Award Date _____

Estimated Period of Performance _____

Acquisition History _____

Desired IT Services GWAC (select one): VETS ☐ ALLIANT SB ☐ 8(a) STARS II ☐

Functional Area Selection (except ASB) _____ **Constellation for STARS II** _____
Proposed Order Type: (check all that apply): Fixed-Price ☐ Time & Materials ☐ Labor-Hour ☐ *Cost ☐
*Cost contract terms are applicable to Alliant SB only

Provide the Estimated Task % that is:

*IT Services _____% Services but non-IT _____% Product _____% Travel _____%

*Please utilize the definition provided in FAR 2.101 for "Information Technology" when determining the IT Services percentage. These percentages are merely guides to help review the nature of the requirement and of themselves are not deterministic.

Have you used this process before? Yes / No _____

Although GSA will respond in writing, would you also like a consultation? Yes / No _____

Appendix VII – Claiming Socioeconomic Credit in FPDS-NG

Ordering agencies and third party assisted contracting services are required to report all orders greater than the micro purchase threshold in FPDS-NG, www.fpds.gov in accordance with FAR 4.603. Proper reporting ensures socioeconomic credit will be received.

The current FPDS-NG user's guide is currently on the Internet at the following address but if that changes please instead start at www.fpds.gov and look for the latest User's Manual:

https://www.fpds.gov/downloads/Manuals/FPDS_NG_Users_Manual_V1.4.pdf

Appendix VIII – Specimen Delegation of Procurement Authority

The purpose of this DPA is to ensure that the roles and responsibilities between the GWAC CO and the OCO are clearly established, and to comply with the Office of Management and Budget's (OMB) Executive Agent designation to GSA authorizing it to compete, award and administer GWACs per the Clinger-Cohen Act of 1996. The Executive Agent designation stipulates certain training, oversight and reporting requirements for which GSA is responsible in order to ensure proper use of its GWACs while promoting public policy objectives.

The authority granted to you under this DPA is limited to the named GWACs and those Task Orders awarded by you or another OCO possessing a valid DPA in your current warranting organization. The DPA authority does not extend to the GWAC basic contract or Task Orders awarded by other OCOs outside your current warranting organization. You will act as the central point of contact under each Task Order and are responsible for coordinating with the awarded Contractor, the Client (the funding organization/receiver of goods or services) and GSA. This applies regardless of whether your contracting organization is acting as the Servicing Agency on behalf of a Client outside your agency or if you are the Requesting Agency for your own organization's requirement. You will perform all required pre and post award functions associated with the task order subject to the following terms and conditions of this DPA:

1. **Compliance** – You are expected to comply with the GWAC's terms and conditions, the GWAC's ordering guide, the Federal Acquisition Regulation (FAR) or authorized agency supplement or exception thereto, applicable agency-specific statutes and policies, and the additional responsibilities defined in this DPA.
2. **Duration** – This DPA is effective until the expiration of the respective GWAC contract or completion and closeout of the resultant Task Orders, whichever is later. You are also required to maintain a valid warrant authority. Notwithstanding the preceding, this DPA is as portable as your warrant. That is, if you change organizations and your warrant is still valid, the DPA is portable/you still maintain your DPA. However, if you change organizations and your warrant is no longer valid, this DPA is automatically revoked. If that you are re-warranted in a new federal organization (DoD or Civilian), a new DPA request will be expedited. The DPA cannot be re-delegated.
3. **Revocation** – GSA may revoke this DPA at any time for failure to comply with treaty, law, regulation, ethical standards and applicable federal acquisition policies and procedures. GSA will be cognizant of the need to ensure Task Order continuity if such actions are initiated.
4. **Scope Compliance** – Ensure that Task Order work is within the GWAC's scope. The GWAC program team is available to assist with this determination at any time upon request. You may request a review of your requirements (e.g. Statement of Work/ Statement of Objectives) prior to Task Order solicitation/modification from the GWAC CO(s).
5. **Administrative Reporting** – Upon award, OCOs are responsible for entering Task Order information into the Federal Procurement Data System – Next Generation (FPDS-NG). In addition to FPDS-NG reporting, OCOs are required to provide a complete copy of the Task Order, e.g., the signature page, the work statement and the line items (equivalent to Sections A-J of the Uniform Contract Format, or equivalent if a commercial services Task Order), any subsequent modifications and the Task Order information form(s) included with this DPA to the respective GWAC's email address or fax number.

The OCO is responsible for complying with all FAR-based rules when competing, awarding and administering Task Orders. The following list of duties (not all inclusive) represent key areas of responsibility:

- **Fair Opportunity** – Ensure that all contractors are provided a fair opportunity to be considered in accordance with FAR 16.505, or authorized agency supplements or exceptions thereto, prior to Task Order award. Any exceptions to fair opportunity to be considered ("fair opportunity exceptions") must be consistent with FAR 16.505 or authorized agency supplements or exceptions thereto or as otherwise required or allowed by statute. If a fair opportunity exception is taken, the OCO should reasonably document the basis for the exception.

- **Funding** – Verify that funding is available. Comply with appropriations law and financial policy. Ensure timely obligation of funds, and de-obligation and disposition of excess funds.
- **COR/COTR** – If a Contracting Officer's Representative (COR) and/or Contracting Officer's Technical Representative (COTR), is assigned to perform order monitoring functions, you must ensure that the extent of their authority and responsibilities is clearly defined and agreed upon. It is a best practice to complete COR and/or COTR designations in writing and present them to the Contractor in order to establish clear roles and responsibilities during Task Order administration. Ensure that any COR or COTR you designate is properly equipped, trained and qualified to handle those responsibilities pursuant to your agency policy.
- **Task Order Protests, Disputes and Claims** –Receive and respond to Task Order protests, disputes and claims. The warranting agency is responsible for the OCO's decisions and actions as a warranted contracting officer.
- **Monitor, Evaluate and Report Contractor Task Order Performance** – Assure contractor performance and support compliance with both Task Order and contract terms and conditions. Take appropriate action to maintain the government's rights. OCOs should conduct contractor performance evaluations IAW FAR 42.15, and applicable agency policies. Interim performance evaluations are encouraged for each Task Order. OCOs should use their organization's designated contractor performance reporting application to record performance.
- **Cost or Price Analysis and Audits** –Perform and document cost analysis and/or price analysis (FAR 15.4) as appropriate in determining the overall Task Order price to be fair and reasonable, as well as respond to any related audits.
- **Prompt Payment** – Ensure prompt payment of contractor invoices and prompt rejection of nonconforming invoices. Task Order Closeout – Perform Task Order closeout IAW FAR 4.804-5 and provide the GWAC contracting officer with a Task Order closeout completion statement.
- **Requests for Information** – Respond to any requests for information pertaining to Task Orders awarded or administered by you including but - not limited to, Freedom of Information Act requests, and inquiries/audits by: Congress, Inspectors General, the Small Business Administration, the General Accountability Office and the GSA.

Thank you for your interest in GSA's GWAC Program. We are committed to delivering acquisition vehicles that provide our customers with convenient access to the best qualified contractors in the Information Technology services and services-based solutions marketplace. If you have any questions regarding this DPA, the respective GWAC, or our program in general, please feel free to contact the GWAC Program at any time.

For more information about the GWAC(s) addressed in this DPA, please visit our website at www.gsa.gov/gwacs. There you will find a link to the specific GWAC's website which contains a copy of the basic contract and other useful information, including various points of contact.

Appendix IX – Additional Guidance for Implementation of FAR 52.232-7

FAR 16.601(e) T&M Contracts requires contracting officers to use one of three provisions in solicitations contemplating the use of T&M or LH type contracts. To determine which provision is appropriate for a given order, OCOs should answer the following questions:

1. Does my requirement meet the FAR definition for a commercial item?

If yes, use FAR 52.216-31 T&M/LH Proposal Requirements—Commercial Item Acquisition. As the title of the provision implies, FAR 52.216-31 is used for commercial item acquisitions. In this scenario, an offeror must specify separate fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit for each category of labor to be performed by the offeror subcontractors, and or divisions, subsidiaries, or affiliates of the offeror under a common control.

2. If my requirement doesn't meet the FAR definition for a commercial item, is adequate price competition expected?

If adequate price competition is expected, use FAR 52.216-29 T&M/LH Proposal Requirements—Non Commercial Item Acquisition with Adequate Price Competition. As the title of the provision implies, FAR 52.216-29 is used for noncommercial item acquisitions when the OCO anticipates adequate price competition. FAR 15.403-1(c) provides the accepted standards for what constitutes adequate price competition.

In this scenario and pursuant to FAR 52.216-29(c), the offeror must specify fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit using:

(1). Separate rates for each category of labor to be performed by each subcontractor, the offeror, and for each category of labor to be transferred between divisions, subsidiaries, or affiliates of the offeror under a common control;

(2). Blended rates for each category of labor to be performed by the offeror including labor transferred between divisions, subsidiaries, affiliates of the offeror under a common control, and all subcontractors; or

(3). Any combination of separate and blended rates for each category of labor to be performed by the offeror, affiliates of the offeror under common control, and subcontractors.

NOTE: If authorized by ordering agency procedures, FAR 16.601(e) permits contracting officers to amend the provision to make mandatory one of the three approaches described above.

NOTE: For the Department of Defense, pursuant to FAR 52.216-29 with DFARS 252.216-7002, Alternate A, the offeror is required to only provide separate loaded hourly labor rates for prime contractor labor, each subcontractor, and/or each division, subsidiary, or affiliate. The offeror must specify whether each loaded hourly labor rate applies to the prime contractor, each subcontractor, and/or each division, subsidiary or affiliate.

3. My requirement doesn't meet the FAR definition for a commercial item and I don't expect adequate price competition. Which provision do I use?

Use FAR 52.216-30 T&M/LH Proposal Requirements—Non Commercial Item Acquisition without Adequate Price Competition. As a reminder, FAR 15.403-1(c) provides the accepted standards for what constitutes adequate price competition. In this scenario, the offeror must specify separate fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit for each

category of labor to be performed by the offeror, each subcontractor, and each division, subsidiary, or affiliate of the offeror under a common control.

Appendix X – Task Order Size Rerepresentation

Quality of service delivery and socioeconomic public policy (e.g. small business goals/socioeconomic credit) are key reasons why government customers use GWACs. Quality of service delivery is assured by the evaluation process required of industry partners to win a position on a GWAC, and also by the flexible customer-controlled order evaluation and award process during which customers control evaluations techniques designed to select an industry partner to fulfill their mission objectives.

In support of socioeconomic public policy, all industry partners on the GWAC were duly recorded as small business concerns in FPDS-NG at GWAC award, making them small businesses on the GWAC – a term of art that is beneficial for customers to know. However, as time passes, circumstances sometimes change for an industry partner whereby it is no longer considered a small business concern in general, and more limited circumstances can make an industry partner no longer considered a small business concern on a federal contract, whereupon the industry partner no longer provides any socioeconomic credit for new orders.

This matters, because in order to award an order to a small business on the GWAC that provides socioeconomic credit for new orders, the selected industry partner must not have had a change in circumstances to its small business status resulting in it becoming other than a small business on the GWAC.

What circumstances lead to a GWAC industry partner becoming other than a small business on the GWAC?

1) Merger or acquisition with or without novation - an immediate trigger that requires re-representation on the GWAC within 30 days, and subsequent re-coding as other than a small business concern per FAR 52.219-28 if the merged or acquired organization does not remain a small business concern.
2) Organic growth that, at the contract option, results in an industry partner not remaining a small business concern entering the 6th year of the contract, as a result of the size re-representation required for the contract option period.

How do I know if a GWAC industry partner remains a small business on the GWAC?

The Small Business GWAC Division maintains lists, presently in spreadsheet format, on the individual GWAC's website. Industry partner small business status is indicated on the list.

What regulations that govern these matters?

FAR 52.219-28	(www.acquisition.gov)
FAR Final Rule 74 FR 11821 & 14492	(www.gpoaccess.gov)
SBA Final Rule 71 FR 66434	(www.gpoaccess.gov)

As a government customer, what can I do to assure an order is awarded to an industry partner that is a small business on the GWAC?

Because there might be a slight lag between a company becoming other than small, and it fulfilling its obligation to report to GSA pursuant to FAR 52.219-28, which provides for such reporting to be slightly in arrears, the Division recommends OCOs not simply rely upon the information about industry partner size status maintained on the individual GWAC websites, and instead implement an Order Size Rerepresentation (OSR). Pursuant to SBA's regulatory framework, GAO and the Federal Court have upheld a procuring agency's authority to request size certifications with respect to particular orders. See LB&B Associates, Inc. v. U.S., 68 Fed. Cl. 765 (Fed. Cl. 2005); CMS Information Services, Inc., B–290541, Aug 7, 2002, 2002 CPD ¶ 132. Accordingly, an OCO has the discretion to require a rerepresentation of the GWAC industry partners' size status as a condition of order award.

OSR Template

An OCO may incorporate the following OSR language into order solicitations in order to require rerepresentation as a condition of order award:

Notice of Order Size Rerepresentation (OSR) at the Order Level

Offers are solicited only from <*insert GWAC name*> industry partners that have not rerepresented as other than small in accordance with FAR 52.219-28 Post-Award Small Business Program Rerepresentation. Those <*insert GWAC name*> industry partners having experienced an event that triggers the notification requirements contained in FAR 52.219-28(b)(1) or (b)(2), and are other than small as a result of said triggering event, are considered to be other than a small business concern for the purposes of this procurement regardless of whether the industry partner has fulfilled the rerepresentation notification pursuant to FAR 52.219-28.

Offers received from <*insert GWAC name*> industry partners that have rerepresented their size status as other than small under the <*insert GWAC name*>, or have had a triggering event and are not currently considered small business concerns under the <*insert GWAC name*> are not desired and shall be rejected as non-conforming with this OSR. The following representation must be completed and submitted with the offer.

I hereby represent that my company (check one) ____ has ____has not rerepresented itself as other than a small business concern under <*insert GWAC name*>, and (check one)____has ____has not experienced a triggering event pursuant to FAR 52.219-28 resulting in the company being other than a small business concern regardless of if notification of that circumstance has or has not been provided pursuant to the timetable established in FAR 52.219-28.

Appendix XI – Summary of Justification, Approval and Posting Requirements[15]

The following tables summarize FAR requirements for posting, fair opportunity, exceptions to fair opportunity, justifications for not providing fair opportunity, and justification approvals when placing orders under multiple-award contracts.

Per FAR 16.505(b)(2)(ii) justification and posting requirements are not required for orders citing FAR 16.505(b)(2)(i)(F) as their authority for an exception to fair opportunity.

POSTING		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders exceeding $25,000 funded in whole or in part by the Recovery Act	Publish preaward notice "for informational purposes only" in Federal Business Opportunities (FedBizOpps)	5.704 (a)(20 16.505(a)(11)(i)
Orders or modifications to orders exceeding $500,000 funded in whole or in part by the Recovery Act	Publish postaward notice in FedBizOpps	5.705 (a)(10(iii)&(iv) 16.505(a)(11)(ii)
Orders exceeding the simplified acquisition threshold not providing for fair opportunity to all awardees; ***except***, if disclosure would compromise the national security or create other security risks	Publish postaward notice in FedBizOpps within 14 days after placing order* And Post Justification for Exception to Fair Opportunity on FedBizOpps and agency Web site (agency Web site may provide link to FedBizOpps notice).** Justification must remain posted for a minimum of 30 days.	5.301(a)(2)(ii) 16.505(b)(2)(ii)(D)(1)(i) 16.505(b)(2)(ii)(D)(4) 5.301(d)(3) 16.505(b)(2)(ii)(D)(*1*)(*ii*) & (D)(*2*)

* Orders based on urgent and compelling circumstances may be published within 30 days of award.
** Contracting officers must carefully screen and remove contractor proprietary data before posting.

FAIR OPPORTUNITY PROCESS		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders not exceeding micropurchase threshold	No fair opportunity required. Place order with any awardee that can meet the agency's need. Attempt to distribute orders among awardees.	16.505(b)(1)(i)
Orders exceeding the micropurchase threshold but not exceeding the simplified acquisition threshold	Provide each awardee offering the required supplies or services with a fair opportunity to be considered. The contracting officer need not contact each of the awardees before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order. Document the rationale for placement and price of	16.505(b)(1)(i) & (ii) 16.505(b)(5)

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	each order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision.	
Orders exceeding the simplified acquisition threshold but not exceeding $5 million	Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include a description of the supplies or services and the basis for selection. Afford all awardees responding to the notice a fair opportunity to submit an offer. Document the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision.	16.505(b)(1)(iii) 16.505(b)(5)
Orders exceeding $5 million	Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include: a clear statement of the agency's requirements; a reasonable response period; the significant factors and subfactors, including price or cost, which the agency expects to consider in evaluating proposals, and their relative importance; and, an opportunity for a postaward debriefing. When award is made on a best value basis, prepare a written statement documenting the basis for award and the relative importance of quality and price or cost factors. Notify unsuccessful awardees within 3 days after the date of award. Provide debriefings to unsuccessful awardees. Debriefings must be requested in writing within 3 days after receipt of notification of award. Debriefings should occur within 5 days after receipt of the written request. Summarize debriefings and include in the task or delivery order file.	16.505(b)(1)(iv) 16.505(b)(1)(iv)(D) 16.505(b)(4)(i) 15.503(b)(1) 16.505(b)(4)(ii) & (iii); 15.506

STATUTORY EXCEPTIONS TO FAIR OPPORTUNITY PROCESS	
Exception	**FAR Citation**
The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays	16.505(b)(2)(i)(A)

Only one awardee is capable of providing the required supplies or services at the level of quality required because the supplies or services ordered are unique or highly specialized[16]	16.505(b)(2)(i)(B)
The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order	16.505(b)(2)(i)(C)
It is necessary to place an order to satisfy a minimum guarantee	16.505(b)(2)(i)(D)
For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source – ***this is typically applicable to 8(a) STARS II directed orders not to exceed $4M***	16.505(b)(2)(i)(E)
IAW section 1331 of Public Law 111-240 (15 U.S.C. 644(r), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3).	16.505(b)(2)(i)(F)

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders exceeding the micropurchase threshold but not exceeding the simplified acquisition threshold	Document the basis for using an exception to the fair opportunity process. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).	16.505(b)(2)(ii)(A)
Orders exceeding the simplified acquisition threshold	Prepare a detailed justification to include: ● Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for an Exception to Fair Opportunity" ● Nature and/or description of the action being approved ● A description of the supplies or services required to meet the agency's needs (including the estimated value) ● Identification of the exception to fair opportunity and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value) ● A determination by the contracting	16.505(b)(2)(ii)(B)

[16] Requirements for use of items peculiar to one manufacturer shall be justified and approved using the format(s) and requirements from FAR 16.505 (b)(2)(ii)(A), (B), and (C), modified to show the brand-name justification.

	officer that the anticipated cost to the government will be fair and reasonable Any other facts supporting the justification ● A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made ● The contracting officer's certification that the justification is accurate and complete to the best of his/her knowledge and belief ● Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel ● A written determination by the approving official that one of the statutory exceptions applies to the order	

JUSTIFICATION APPROVALS		
Dollar Threshold	**Approving Official**	**FAR Citation(s)**
Over the micropurchase threshold but not exceeding the simplified acquisition threshold	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over the simplified acquisition threshold but not exceeding $650,000	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over $650,000 but not exceeding $12.5 million	Ordering activity competition advocate or authority cited below	16.505(b)(2)(ii)(C)(2)
Over $12.5 million but not exceeding $62.5 million ($85.5 million for DoD, NASA, and Coast Guard)	Head of ordering procuring activity (or for Armed Forces, a general or flag officer; or for civilians, a GS-15 or above), or authority cited below	16.505(b)(2)(ii)(C)(3)
Over $62.5 (or $85.5) million	Senior procurement executive (not delegable, except by the Under Secretary of Defense for Acquisition, Technology, and Logistics)	16.505(b)(2)(ii)(C)(4)