HCaTS Ordering Guide Summary for Ordering Contracting Officers

The first two pages of this guide is a summary and has been prepared to be used as a quick reference.

For more info, please visit HCaTS website: www.gsa.gov/hcats or contact us at: hcats@gsa.gov and sbhcats@gsa.gov.

HCaTS Contracts:
HCaTS Unrestricted (HCaTS U) and HCaTS Small Business (HCaTS SB) are comprised of two pools:

**Pool 1 ($3.45B): Professional & Management Development Training**
  - NAICS: Primary – 611430; Relevant – 624310, 611699
  - PSCs: Primary – U009; Relevant – see Appendix A for HCaTS PCS list
  - Size standard: $11M

**Pool 2 ($2.30B): Human Resources Consulting Services**
  - NAICS: Primary – 541612; Relevant – 541611, 541613, 541618, 611710
  - PSCs: Primary – R431; Relevant – see Appendix A for HCaTS PCS list
  - Size standard: $15M

**Scope:**
Both contract pools are identical in scope and categorized in three Key Service Areas (KSA):
- Customized Training & Development Services
- Customized Human Capital Strategy Services
- Organizational Performance Improvement

*HCaTS PMO provides a complementary scope review; to request a scope review, visit HCaTS website, under “Pre-Award Scope Review”.

**Contract Types Supported:**
All contract types can be used.

**Small Business Set-Aside:**
Set-aside is ONLY allowable under HCaTS SB vehicle for 8(a) SB, HUBZone SB, SDVOSB, EDWOSB, and WOSB.

**8(a) Small Business Set-Aside:** Sole-source 8(a) set-aside is not allowed. All 8(a) set-asides must be competed.

**Note:** For 8(a) awards, the contractors must have an active 8(a) certification in their SAM record. We suggest sending the Task Order RFP/RFQ to all the Pool contractors and specifying the type of set-aside. Only the contractors with the requested socio-economic status should respond.

**See the list of HCaTS SB contractors with their HCaTS socio-economic status on HCaTS website under “Who is on HCaTS”; On this list, the OCO must check the socio-economic status of the contractors. Additionally, for 8(a) status, the OCO must check the SAM record for an active 8(a) certification and coordinate with SBA.

**Contract Pricing:**
Pricing is primary based on competition on the task order level. HCaTS PMO provides contract pricing only for Sole-source T&M or L-H Task Orders.
Labor Categories:
For the list of HCaTS Labor Categories see HCaTS contracts-Attachment J.1 (www.gsa.gov/hcats; under “HCaTS Resource Directory”). The labor categories are not mandatory and Labor categories can be added at the discretion of contracting officers.

Ancillary Supports:
Specialized and SCA labors and Other Direct Costs (Material, Equipment, etc.) can be added; however, ancillary supports cannot be the preponderance of the work. All required clauses must be added as necessary (e.g. Wage Determination, SCA clause)

CLIN Structure of Task Orders:
- Each Task Order must have a separate CLIN for Contract Access Fee (CAF). CAF is 2% of the total value.
- There is no limitation on CLIN structure.

Max and Min Order:
The minimum ordering under HCaTS is Micro-purchase Threshold and the Maximum is $3.45 billion for Pool 1 and $2.3 billion for Pool 2.

Important FAR Parts & Clauses to Add/Consider:
- FAR 52.204-14 Service Contract Reporting Requirements (HCaTS includes 52.204-15); See FAR 4.1704 Contracting Officer Responsibilities
- FAR 52.227-14 (or FAR 52.227-17) Rights in Data General/Special Works
- FAR 16.505, FAR 16.3 for Ordering Process & Fair Opportunity
- FAR 30 & FAR 31 for Cost Type Task Orders
- SCA Provisions/Clauses and Wage Determination, if necessary

Issuing Task Order Solicitation Methods:
- Post on GSA e-Buy (http://www.ebuy.gsa.gov) **Preferred Method**
- Send via emails to Pool Contractors (for Sole-source awards) (find the list of awardees on HCaTS website, under “Who is on HCaTS”

Mandatory Reports:
Ordering Contracting Officers must send the following reports to:
- hcats@gsa.gov (for HCaTS Unrestricted) or sbhcats@gsa.gov (for HCaTS Small Business):
  - Task Order Solicitation Notice and Cancellation Notice (if issued)
  - FPDS-NG Report at the time of Award
  - Poor Past Performance Reports
Human Capital and Training Solutions

(HCaTS)

ORDERING GUIDE

GSA Federal Acquisition Service
&
Office of Personnel Management
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HCaTS Program Ordering Guide is written for warranted Federal Ordering Contracting Officers (OCOs). It explains how HCaTS Program can be used to satisfy a customized human capital and/or training based requirement, and addresses contracting issues and concepts unique to HCaTS Program. The ordering guide presumes the OCO is proficient in his/her duties with working knowledge of all applicable Federal regulations, executive orders, and human capital and agency policies.

➢ **HCaTS Program**

General Services Administration (GSA) and The Office of Personnel Management (OPM) formed a partnership to jointly award and administer a new strategically sourced contract vehicle for human capital and training solutions. Through this partnership, GSA will be principally responsible for contract administration, while OPM will be responsible for policy oversight.

HCaTS Program is a Multiple-Award (MA), Indefinite Delivery, Indefinite Quantity (IDIQ), 10.5 years (5-year base, one 5-year option period, and up to 6 months extension) and is comprised of two contract vehicles: HCaTS (full and open) and HCaTS SB (small business set-aside). HCaTS provides a common architecture and platform across the Federal Government for the acquisition of complex human capital and training requirements. HCaTS contracts are intended to provide human capital and training solutions through the effort of bona-fide executive, administrative, and professional employees as defined in Part 541 of Title 29, Code of Federal Regulations (CFR).

HCaTS and HCaTS SB’s contracts refer to the master contracts whose terms and clauses flow down to all HCaTS task orders. The services covered under HCaTS Program can span across three Key Service Areas (KSAs):

1. Customized Training and Development Services
2. Customized Human Capital Strategy Services
3. Customized Organizational Performance Improvement

Additionally, the scope allows for ancillary services and costs necessary to complete total solution procurement. Services under HCaTS Program may be commercial and/or non-commercial, classified and/or non-classified, and/or CONUS and OCONUS. All HCATS Task Orders must be within scope of one or more of HCaTS’ KSAs. Review Section C of HCaTS
contracts for the complete description of the scope.

➢ Benefits of Using HCaTS Program

HCaTS Program is flexible, easy to use, and allows agencies to:

● Comprehensive customized solutions to complex requirements, rather than contracting separately for each requirement type
● Designated as Best in Class IDIQ contracts with Highly Technically Rated Contractors
● Use any contract type or any hybrid mixtures of contract types
● Allows commercial/non-commercial, Classified/non-Classified services within CONUS and outside CONUS
● Meet or exceed small business goals in all categories
● Add labor categories at the task order level
● Include ancillary services and other direct costs (ODCs) at the task order level as needed
● No protest for in-scope TO under $10 million!
● Transactional and analytics data for spend analysis and market research
● OPM project consultants can assist HCaTS customers on OPM’s Human Capital Framework to assist in optimizing the effectiveness of an agency’s solution
● Includes requirements for an agency to comply with the GPRA Modernization Act of 2010

➢ Roles and Responsibilities

HCaTS Program COs’ Responsibilities:

● Monitor and evaluate Contractor performance against the master contract requirements; Evaluates interim Contractor performance on an annual basis and final Contractor performance upon contract completion using the process and criteria in
CPARS

• Modify Basic Contract terms and conditions

• Make within scope determinations for Contractor compliance

• Provide guidance to Ordering activities and contractors regarding all HCaTS/HCaTS SB procurement-related matters

• Conduct meetings with HCaTS/HCaTS SB Prime Contractors as necessary

• Ensure compliance with FAR Clause 52.219-14, Limitations on Subcontracting

• Conduct Off-Ramping and On-Ramping, if applicable.

Delegated Responsibilities Through MOU to OPM:

• Provides optional scope reviews and guidance on human capital policy for customers developing requirements

• Makes scope recommendations to HCaTS Program COs.

OCO’s Responsibilities:

The OCO is expected to comply with HCaTS Program Contracts terms and conditions, HCaTS Program DPA, the Federal Acquisition Regulation (FAR) and applicable agency statutes and policies.

The following items shall be sent to the respective HCaTS Program CO:

• Email HCaTS Program CO: Task order Pre-solicitation Notice, Solicitation, Cancellation notices, FPDS-NG award report, and poor past performance reports.

• Submit a PPIRS Report through CPARS. However, if a Federal agency requires an alternative past performance assessment reporting system for a specific task order other than CPARS, the alternative reporting system takes precedence over CPARS.

• Closeout Task Orders within the procedures set forth in FAR Parts 4 and 42, and other
Follow the ordering procedures, Determine the predominant NAICS Code, and Assign PSC Code

➢ Authorities Relevant to HCaTS Program Requirements

The following list of authorities may be applicable at the task order level:

- **Chief Human Capital Officers Act of 2002**
- **Executive Order 13111, Using Technology to Improve Training Opportunities for Federal Government Employees**
- **Section 508 of the Rehabilitation Act**
- **Department of Defense Shareable Courseware Object Reference Model (SCORM)**
- **5 CFR 250**
- **Government Performance and Results (GPRA) Modernization Act of 2010 (GPRAMA)**
- **Office of Management and Budget (OMB) Memorandum M-10-27**
- **Office of Management and Budget (OMB) Circular A-11, Section 220**

➢ HCaTS Program Pools

Each HCaTS Program Contracts consists of 2 Pools, Pools 1 & 2. These Pools are defined by the North American Industry Classification System (NAICS) Codes and their corresponding Small Business Size Standards. Pool 1 is composed of three NAICS Codes with a Small Business Size Standard of $11 million. Pool 2 is composed of five NAICS Codes with a Small Business Size Standard of $15 million. Some Contractors have contracts in more than one Pool and/or in both contract vehicles. The OCO will choose the contract vehicle and Pool based on the NAICS Code that represents the preponderance of work and the contract vehicle based on the Small Business Size Standard that corresponds to its requirement (see Appendix A).
➢ **HCaTS Program Labor Categories (LCATs)**

HCaTS Program contains 84 priced LCATs which are 21 occupations with four levels of expertise. These occupations are mapped to the 840 OMB Standard Occupational Classifications (SOCs) (the SOC will be updated in 2018 figures here are based on the latest 2010 guide). The list of HCaTS Program LCATs is found in HCaTS Program Contracts Attachment J.1 (Standardized Labor Categories).

HCaTS Program Contracts Sections B.3.1 define specialized professional services labor as bona fide executive, administrative, or professional skills for which the expertise required or duties performed are within the scope of HCaTS Program, but are so specialized that they are not explicitly defined in any labor category description in Section J.1 (Standardized Labor Categories). The Contractor may propose specialized professional services labor when proposing ancillary support; however, the OCO will determine whether circumstances merit the use of specialized professional skills.

➢ **Services Not Allowed On HCaTS Program Task Orders**

HCaTS Program Task Orders shall not include any of the following:

- Inherently Governmental Functions – at no time shall an OCO award a task order and a Contractor perform inherently governmental functions in accordance with FAR Subpart 7.5 and [Office of Federal Procurement Policy (OFPP) Policy Letter 11-01](https://www.ofpp.gov/policy/)

- Personal services as defined in FAR Paragraph 37.104(a)

- Architect & Engineering (A&E) Services subject to the Brooks Act and FAR Part 36 acquisition procedures

- A requirement that primarily uses employees not employed in a bona fide executive, administrative, or professional capacity as defined in 29 CFR Part 541 and/or employees primarily employed as laborers or mechanics as defined in FAR Section 22.401

- Requirements where the primary purpose is the development of information technology as defined by FAR Section 2.101 and HCaTS Program Contracts Sections C.3.3
• Requirements where the primary purpose is temporary services as defined by FAR Section 37.112 and HCaTS Program Contracts Sections C.3.4

Getting Access to HCaTS Program Contracts

There are two ways to access HCaTS: Direct-Buy Acquisition & Assisted Acquisition Services (AAS).

A. Direct Buy Acquisition

In order to solicit and place task orders against HCaTS Program, a contracting officer must have a Delegation of Procurement Authority (DPA) certification to solicit, award, administer, and modify task orders against HCaTS and HCaTS SB Contracts on behalf of its agency. Additionally, HCaTS Program Task Orders can only be re-assigned for administration to an agency CO who has been issued an HCaTS Program DPA.

Agencies are not limited in the number of COs that apply for a DPA and DPAs are issued to individuals not to an agency as a whole. Once an agency’s CO receives a DPA, s/he is known as an OCO. No work may be performed, no obligation may accrue and no payment may be made against HCaTS Program Contracts except by OCOs. HCaTS Program COs may revoke a DPA if the OCO is not complying with the roles and responsibilities in its DPA.

A sample DPA is provided in Appendix B. It lists the responsibilities an OCO must meet as an authorized user of HCaTS and HCaTS SB contracts in order to keep his DPA. To request a DPA, visit the “How to use HCaTS” section at gsa.gov/hcats.

B. Assisted Acquisition Services (AAS)/OPM

Should the agency desire Assisted Acquisition Services (AAS) provided by OPM, these Task orders issued against HCaTS Program contract vehicles are considered Interagency Acquisitions. Agencies with designated OCOs may issue task orders directly against HCaTS

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1References for Interagency Acquisitions: OMB Memorandum, “Improving the Management and Use of Interagency Acquisitions, June 6, 2008, p.2; FAR Subpart 17.5, Interagency Acquisitions, especially FAR Subsection 17.502-1; DOD and DFAR - OUSD, DPAP Memo Oct 31, 2008, Meeting Department of Defense Requirements through Interagency Acquisitions, DFAR 217.5, DFAR 217.7802(a) and (b), and http://www.acq.osd.mil/dpap/cpic/cp/faq.html
Program Contracts or they may enter into an Interagency Agreement (IAA) with HCaTS Assisted Acquisition Services to issue the task order on their behalf. IAAs are for cradle-to-grave services.

**THE ORDERING PROCESS**

**STEP 1. Acquisition Planning**

Task orders against HCaTS Program Contracts must comply with Acquisition Planning as prescribed in FAR *Part 7*.

Conduct market research for a requirement in accordance with regulation as with any other procurement. The agency will decide whether to issue the task order through its own OCO that possesses a DPA, or to use HCaTS AAS. OCOs are encouraged to submit Requests for Information (RFI), draft solicitations, and other documents to HCaTS and/or HCaTS SB contract holders as part of market research efforts.

OCOs shall follow the ordering procedures for issuing a task order against an IDIQ contract in FAR *Section 16.505* and FAR *Subpart 16.3* and FAR *Parts 30* and *31* for cost-reimbursement task orders; unless an authorized exception applies. Fair opportunity procedures in accordance with FAR *Paragraph 16.505(b)(1)* prescribed for the dollar value of the task order must be used. When the OCO plans to award a task order based on an exception to fair opportunity, applicable justifications and approvals in accordance with FAR *Subpart 16.505(b)(2)* must be prepared and obtained.

**Set-Asides**

Small business set-asides may only be done on the HCaTS Small Business contract at the OCO’s discretion for socio-economic subgroups. A task order solicitation may be a competitive set-aside for socio-economic subgroups when it is anticipated that at least two responsible small business concerns exist within a socio-economic subgroup under the corresponding Pool (see Appendix A). All policies and procedures under FAR *Part 19* apply.

Please note, 8(a)-Sole source (direct awards) are not allowed under the HCaTS vehicles. All 8(a) awards must be competed among designated HCaTS SB 8(a) Contractors.

*NOTE: For 8(a) orders, regarding separate offer and acceptance from the SBA, follow procedures outlined FAR Subsection 19.804-6.*
Task order solicitations may be a competitive set-aside for the following socio-economic subgroups:

1. 8(a) Small Business (8(a) SB)
2. HUBZone Small Business (HUBZone SB)
3. Service-Disabled Veteran-Owned Small Business (SDVOSB)
4. Economically Disadvantaged Women-Owned Small Business (EDWOSB)
5. Women-Owned Small Business (WOSB)

For set-asides under the EDWOSB and WOSB programs, check the Small Business Administration's (SBA) list of allowed NAICS Codes to determine if the requirement can be set-aside.

Task Order Contract Types

Subject to FAR and agency level required consideration criteria, limitations, and prohibitions, any appropriate contract type may be used. These generally include, but aren’t limited to:

- Fixed-Price, all types
- Cost-reimbursement, all types
- Time-and-materials
- Labor-Hour
- Hybrids of any contract types.

Note: Use a separate CLIN for the work under each contract type.

Assigning NAICS Code

OCO’s must select the task order NAICS Code based upon the preponderance of work to be performed (see Appendix A).

Task Order Funding and Funding Limitations

All task orders must be funded by the agency with the requirement. However, task orders placed under HCaTS Program may not be used to circumvent conditions and limitations imposed on the use of funds (FAR Paragraph 16.505(a)(8)(ii)).

Security Clearance Considerations for Classified Orders

The task order solicitation should clearly express all requirements for security clearances, both
facility and personnel. All classified handling procedures shall be adhered to at all times.

**Task Order Duration**

The period of performance for each task order awarded under an HCaTS Program Contract shall be specified in the task order in accordance with FAR Paragraph 16.505 (c). Task orders shall be solicited and awarded prior to the expiration of HCaTS Program Contracts ordering periods and may extend (including option periods) up to 5-years and 6-months (If FAR Clause 52.217-8 Options to Extend Services added). After HCaTS Program Contracts expire, HCaTS Program Contracts will remain active for administration only.

**Minimum and Maximum Order Limitations**

The minimum per order limitation on HCaTS Program Contracts are valued at the micro-purchase threshold as defined by FAR Section 2.101. The Government is not obligated to purchase and the contractor is not required to furnish services valued at less than the micro-purchase threshold. The maximum dollar amount for HCaTs and HCaTS SB, including all options, if exercised, is $3.45 billion for Pool 1 and $2.3 billion for Pool 2.

**Task Order Small Business Size Representation**

HCaTS PMO maintains the list of contractors on HCaTS Program website that provides the Small Business Size Standard and socio-economics for each contractor as it pertains to its HCaTS Program Contract.

**STEP 2: Define the Requirements**

**Pre-Solicitation Scope Reviews**

Task orders under HCaTS Program must be within the scope of the Contracts as discussed in Sections C. OPM in conjunction with GSA offers an optional scope review prior to competing a task order solicitation. HCaTS PMO strongly encourages OCOs to take advantage of this service. This review will help an agency develop a requirement that is in compliance with the principles of human capital management outlined in 5 CFR 250 and agency policy. Reviews may be requested through HCaTS Program website.
Identification of Labor

Except for ancillary labor as defined under HCaTS Program Contracts Sections B.3, when responding to a request for proposal under task order solicitations, regardless of contract type, the Contractor shall identify both Prime and Subcontractor labor using HCaTS Program LCATs and corresponding SOC Number. The Contractor may deviate from the Junior, Journeyman, Senior, and Subject Matter Expert (SME) definitions in Section J.1, as long as the Contractor clearly identifies the deviation in their proposals. The following qualification substitution chart from HCaTS Program Contracts Sections B.2.1 applies:

<table>
<thead>
<tr>
<th>Degree</th>
<th>Experience Substitution</th>
<th>Experience and Degree Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor’s Degree</td>
<td>Six years of relevant work experience may be substituted for a Bachelor’s Degree</td>
<td>Associate’s Degree plus four years of relevant work experience may be substituted for a Bachelor’s Degree</td>
</tr>
<tr>
<td>Master’s Degree</td>
<td>12 years of relevant work experience may be substituted for a Master’s Degree</td>
<td>Bachelor’s Degree plus eight years of relevant work experience may be substituted for a Master’s Degree</td>
</tr>
<tr>
<td>Doctorate Degree</td>
<td>20 years of relevant work experience may be substituted for a Doctorate Degree</td>
<td>Bachelor’s Degree plus 16 years or a Master’s Degree plus 12 years of relevant work experience may be substituted for a Doctorate Degree</td>
</tr>
</tbody>
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OCOs shall evaluate any identified deviations from HCaTS definitions of Junior, Journeyman, Senior, and SME. As part of that evaluation, the OCO should consider any potential impacts on the agency’s requirements in terms of performance and price and document the rationale for acceptance of any proposed deviation.

The OCO shall identify each ancillary support service and ODCs by a separate CLIN on the task order award as described below. The task order solicitation should provide instructions to the Offerors on how to identify and call attention to the intent to use ancillary professional labor. The proposal should include, at a minimum:

- The proposed labor category title
- Expertise and qualifications required by the specialized labor category
- Duties to be performed by the specialized labor
- Segment of the statement of work that the specialized labor will perform with references to statement of work sections
- An explanation of why the specialized labor is required with a discussion of which HCaTS LCATs in HCaTS Program Contract Sections J.1(Standardized Labor Categories) were considered and why they were not appropriate or did not fit the task order requirements
- If done, a discussion of the BLS SOC occupations that were examined to determine if the specialized labor could be mapped to an BLS SOC occupation

**NOTE:** If the agency determines during requirements development that specialized professional labor would be required to support segments of the task order work, it should state so in the task order solicitation and should, at minimum, include the elements discussed above. This ensures that all Offerors use the same vocabulary and can be compared.

**Labor on T&M and L-H Task Orders**

For T&M and L-H task orders, the OCO must identify the appropriate provision among those identified in HCaTS Program Contract Sections B.2.5. In accordance with that same section, HCaTS Program LCATs and their associated rates must be identified in the task order award document. In accordance with FAR Section 16.601, ancillary subcontracted labor is to be proposed and awarded as Materials.

HCaTS Program Contractors’ LCATs pricing are ceiling rates that solely apply for T&M or L-H task orders/CLINs placed on a sole source basis or when adequate price competition is not anticipated. (See HCaTS Program Contracts Sections B.2.5.1)

Request the Contractor’s rates from the applicable HCaTS Program CO for sole source T&M or L-H task order procurements.

**Service Contract Act (SCA)**

Any labor found in the Department of Labor’s Directory of Occupations for SCA labor and necessary to deliver a total mission solution integrated across professional disciplines or the enterprise may be used at the OCO’s discretion and shall be considered ancillary. HCaTS
Program Contracts do not include any provisions or clauses applicable to any SCA work and shall be added to the OCO’s task order solicitation, if applicable. Work that may be performed by an SCA labor category shall be identified in the task order solicitation and resulting task order in accordance with FAR Subpart 22.10 and other applicable agency regulatory supplements.

Developing the Solicitation

Use the solicitation form or format for task orders normally prescribed in agency policy for task order solicitations consistent with FAR Subpart 16.505 procedures and in particular include the information required by FAR Paragraph 16.505(a)(7).

Use of the Uniform Contract Format found in FAR Subsection 15.204-1 is not required or recommended for HCaTS Program Task Orders. It may lead to confusion between the ordering procedures found in FAR Section 16.505 and the not applicable source selection procedures of FAR Subpart 15.3.

The following information shall be included in all HCaTS task order solicitations and Requests for Proposals (RFPs):

- Pool Number solicited under (include contract vehicle)
- NAICS Code
- SOW/PWS/SOO
- Evaluation factors and Source selection procedure
- Contract type(s) and Type of services (commercial/non-commercial)
- Separate CLIN for Contract Access Fee (CAF)
- Period of performance and Place of performance
- Proposal due date and Proposal instructions
- Other pertinent information (for example: agency clauses, optional clauses, etc).

Clauses and Provisions

HCaTS Program Contracts Sections I.1 establish that all applicable and required provisions and clauses set forth in FAR Section 52.301 automatically flow down to all HCaTS task orders. The OCO shall identify in the task order solicitation whether FAR Part 12 commercial clauses or provisions are applicable and add any optional agency provisions/clauses for each individual task
Rights in Data

The following Rights in Data Clauses are incorporated into HCaTS Program Contracts: FAR Clause 52.227-14 Rights in Data—General and FAR Clause 52.227-17 Rights in Data—Special Works. The OCO should ensure that the applicable Rights in Data clause(s) is (are) clearly assigned in each task order solicitation and resulting task order.

Contract Access Fee (CAF)

The OCO shall include, and the Contractor shall propose, a CAF on all task order solicitations, regardless of contract type following the method of HCaTS Program Contract Sections G 3.1. HCaTS Program has a CAF of 2%. The total CAF amount shall be proposed as a separate and distinct CLIN for the base year and each option period, if applicable.

STEP 3: Issue the Task Order Solicitation

Methods of Issuing the Task Order Solicitation

An HCaTS Program task order solicitation may be issued by:

- Posting on GSA’s e-Buy at http://www.ebuy.gsa.gov (preferred method)
- Sending via email to all Pool Contractors (the list of contractors POCs can be found on HCaTS website, under “Who is on HCaTS?”)
- If doing a sole source or direct award, email directly to the selected Contractor

The use of any one of the preceding mediums to send a task order solicitation to all Contractors within a given Pool, with the exception of making a sole source or direct award, satisfies the FAR Paragraph 16.505(b)(1) fair opportunity notification requirement.

Contractors in Dormant Status

HCaTS Program contracts terms allow HCaTS Program COs to place Contractors in Dormant Status while they develop corrective measures for HCaTS Program CO to review and approve as defined under HCaTS Program contracts Sections H.25. During dormancy, Contractors may continue to work on existing task order awards, but are prohibited from competing for new task
order awards. GSA will maintain a list of Contractors in Dormant Status. For sole-source procurement, the OCO should check with HCaTS PMO prior to releasing their requirements to determine whether the contractor is in dormant status. HCaTS Program CO will notify the OCO of any contractors that are under Dormant Status in the applicable Pool upon receipt of a task order solicitation for competitive procurements.

Cancellation of Requirements

In the event of cancelling a task order solicitation, the OCO should send the notices of cancellation to the HCaTS Program CO.

**STEP 4: Evaluate Proposals**

OCOs should evaluate proposals based on the methodology stated in the task order solicitation to maintain fairness in the ordering process and mitigate protest risk. The OCO is responsible for evaluating and documenting the cost or price proposals, and documenting fair and reasonable determination, irrespective of contract type(s). Generally, no additional pricing data from the Offeror will be needed, if there is adequate price competition in accordance with FAR Section 15.402.

**STEP 5: Award the Task Order**

Public Notice of Awards When Not Providing for Fair Opportunity

For task orders based on an exception to fair opportunity, the OCO must post a public notice within 14 days after making award (FAR Paragraph 16.505(b)(2)(ii)(D)). If an exception is being used, the public notice shall be posted within 30 days after making the award. This posting requirement includes posting the justification approved for the exception at the Government Point of Entry: [www.fedbizopps.gov](http://www.fedbizopps.gov).

Task Order Level Protests

All protests at the task order level are handled by the agency soliciting the task order. FAR Paragraph 16.505 (a)(10) prohibits protests on HCaTS Program task orders under FAR Subpart 33.1 except for:
Task order increases the scope, period of performance, or maximum value of the contract

Task orders valued in excess of $10 million

FAR Paragraph 16.505(a)(10)(i)((B) grants sole authority to hear protests of orders in excess of $10 million and filed in accordance with the procedures at FAR Section 33.104 to the GAO.

HCaTS Program Ombudsman

There are two primary duties of the Ombudsman: (1) To review complaints from Contractors and ensure that they are afforded a fair opportunity for consideration in the award of task orders consistent with the procedures of HCaTS, and (2) To review an HCaTS CO decision to place a Contractor in Dormant Status or Off-Ramp them from the contract vehicle (see HCaTS Program Contract Sections H.25 and H.26).

Reporting Task Order Awards in FPDS-NG

In accordance with FAR Section 4.604, contract actions must be reported in the Federal Procurement Data System (FPDS-NG) within three days after award. Each HCaTS Program task order shall be reported under the correct HCaTS Program Contract Number. Send a copy of the FPDS-NG notice to HCaTS Program CO.

The FPDS-NG system will propagate the NAICS Code field in the Task Order Action Report with the NAICS Code reported for the master IDV contract (HCaTS Program Contract). Due to system limitations, the NAICS Codes populated in FPDS-NG will populate based on the predominant NAICS Code that HCaTS Program Contract was awarded under. This may be different from the NAICS Code the task order was awarded under.

**Predominant NAICS Code for Pool 1:** 611430, Professional and Management Development Training

**Predominant NAICS Code for Pool 2:** 541612, Human Resources Consulting Service
**STEP 6: Administer the Task Order and Execute the Work**

**Quality Assurance – Contractor Surveillance**

The OCO is responsible for ensuring that a Contractor’s performance meets the minimum requirements in accordance with the task order’s terms and conditions, documenting the task order file and communicating with the Contractor.

**Performance Evaluation**

It is the responsibility of the OCOs to evaluate each task order exceeding the micro-purchase threshold using the process and criteria in CPARS or an alternative past performance assessment reporting system in accordance with FAR Subpart 42.15 and agency policy. OCOs shall use CPARS unless otherwise mandated by their agency to utilize another past performance assessment reporting system.

At a minimum, the OCO is responsible for evaluating final Contractor performance upon task order completion. The OCO shall send the past performance report to the Contractor’s CHCM as soon as practicable. The CHCM has a minimum of 30 days to submit comments, rebutting statements, or additional information. Copies of the evaluations, Contractor responses, and review comments, if any, shall all be incorporated into the task order file.

HCaTS Program COs will audit task order performance information to ensure Contractor compliance. However, the OCO should send past performance reports that demonstrate poor performance directly to the respective HCaTS Program CO, as poor task order performance may also be considered in placing Contractors in a dormant status.

**STEP 7: Task Order Completion**

**Task Order Closeout**

The OCO is responsible for closing out their task orders. Task order files shall be closed out in accordance with the procedures in FAR Subsection 4.804-1. The procedures prescribed in FAR Subsection 4.804-5 shall be used for closing out the contract file except when it is appropriate to use the quick closeout procedures in FAR Section 42.708.
APPENDIX A: HCATS Program Pools

HCaTS Program Pools 1 and 2 contain multiple NAICS Codes. FAR Paragraph 19.303(a) requires OCOs to determine the appropriate NAICS Code and related Small Business Size Standard and include them in all solicitations above the micro-purchase threshold. FAR Paragraph 19.102(b)(1) requires that the NAICS Code assigned describe the principal nature of the service being acquired. Task Order Solicitations under Pools 1 or 2 should identify the NAICS Code from the applicable Pool that meets that criterion.

FPDS-NG is currently designed to accept only one NAICS Code to be associated with a procurement action. For this reason, GSA designated a predominant NAICS Code for each Pools and awarded all of the Contracts under their Pool’s respective NAICS Code. Subsequently, FPDS-NG will automatically assign this NAICS Code to all task orders’ procurement action reports placed under HCaTS Program Contracts. This is simply a limitation of the FPDS-NG system and has no bearing on individual task order NAICS Code assignments.

The tables below identify all HCaTS Program NAICS Code assignments per Pool. The predominant NAICS Code for each Pool is shown in bold underline:

<table>
<thead>
<tr>
<th>POOL 1: $11M SIZE STANDARD</th>
<th>NAICS</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>611430</td>
<td></td>
<td>Professional and Management Development Training</td>
</tr>
<tr>
<td>611699</td>
<td></td>
<td>All Other Miscellaneous Schools and Instruction</td>
</tr>
<tr>
<td>624310</td>
<td></td>
<td>Vocational Rehabilitation Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POOL 2: $11M SIZE STANDARD</th>
<th>NAICS</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>541611</td>
<td></td>
<td>Administrative Management and General Management Consulting Services</td>
</tr>
<tr>
<td><strong>541612</strong></td>
<td></td>
<td>Human Resources Consulting Services</td>
</tr>
<tr>
<td>541613</td>
<td></td>
<td>Marketing Consulting Services</td>
</tr>
<tr>
<td>541618</td>
<td></td>
<td>Other Management Consulting Services</td>
</tr>
<tr>
<td>611710</td>
<td></td>
<td>Educational Support Services</td>
</tr>
</tbody>
</table>
APPENDIX B: SAMPLE DPA

MEMORANDUM FOR Ordering Contracting Officer (OCO)

SUBJECT: Delegation of Procurement Authority (DPA) as OCO to Compete, Award and Administer HCaTS and HCaTS SB task orders

The purpose of this DPA is to ensure that the roles and responsibilities between HCaTS and HCaTS SB Contracting Officers (COs) and the OCO are clearly established in order to ensure proper use of HCaTS Program contract vehicles while promoting public policy objectives.

GSA retains sole responsibility to administer and modify the basic Indefinite Delivery, Indefinite Quantity (IDIQ) master contracts. HCaTS Program COs will evaluate the compliance of HCaTS and HCaTS SB contractors against the master contract terms. HCaTS PMO will also provide advice and guidance to agencies/OCOs on HCaTS and HCaTS SB procurement matters.

The authority granted to you under this DPA is limited to those requirements of your agency that are within scope of HCaTS Program contract vehicles. Your authority to administer HCaTS and HCaTS SB Task Orders covers all task orders awarded by you for your current warranting organization or another OCO possessing a valid DPA in your current warranting organization. The DPA authority does not extend to administration of task orders awarded by 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 is within the requiring Agency and is contracting for its own 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 HCaTS or HCaTS SB terms and conditions, HCaTS or HCaTS SB ordering guides, the Federal Acquisition Regulation (FAR) and the authorized agency FAR supplement or exception thereto, applicable agency statutes and
policies, and the additional responsibilities defined in this DPA.

2. **Duration** – This DPA is effective until the expiration of the respective HCaTS or HCaTS SB contract or completion and closeout of any awarded task orders whose duration extends beyond the expiration of the respective contract, whichever is later. You are also required to maintain a valid warrant authority. Notwithstanding the preceding, this DPA is portable under certain conditions. If you change organizations within the larger Agency, or move to a new Agency but will continue to be warranted, the DPA is portable upon notification by the OCO’s supervisor to HCaTS PMO. However, you must notify HCaTS and HCaTS SB COs of the move or reassignment and provide information on the new warrant when it is issued. Re-training is not required unless there is a break of more than ninety days in possession of a current warrant or serving in a CO position. 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 is within the scope of HCaTS or HCaTS SB. HCaTS PMO is available to assist with this determination at any time upon request.

5. **Administrative Reporting** – Upon award, OCOs are responsible for reporting the task order award action in the Federal Procurement Data System – Next Generation (FPDS-NG). In addition to FPDS-NG reporting, OCOs are required to provide poor past performance reports, included with this DPA to the respective HCaTS or HCaTS SB email address.

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

   - **Fair opportunity** – Ensure that all contractors are provided a fair opportunity to be considered in accordance with FAR Section 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 Section 16.505 or authorized agency supplements or exceptions thereto or as otherwise required or
allowed by statute. The OCO must comply with the requirements to prepare justifications and obtain approvals of justifications for exceptions to fair opportunity in accordance with FAR Section 16.505.

- **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** – If a Contracting Officer’s Representative (COR) is appointed to perform order monitoring and oversight functions, you must ensure that the extent of their authority and responsibilities is clearly defined. The COR’s appointment should be in writing and a copy provided the Contractor in order to establish clear roles and responsibilities during task order administration. Ensure that any COR 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 CO.

- **Monitor, Evaluate, and Report Contractor Performance** – Assure contractor performance and support compliance with both task order terms and conditions. Take appropriate action to maintain the Government’s rights. OCOs should conduct contractor performance evaluations IAW FAR Subpart 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 system to record performance.

- **Cost or Price Analysis and Audits** – Perform and document cost analysis and/or price analysis (FAR Subpart 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** – Closeout task orders IAW FAR Subsection 4.804-5 and provide HCaTS or HCaTS SB Contracting Officer 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 HCaTS program. We are committed to delivering acquisition vehicles that provide our customers with convenient access to the best qualified contractors in the professional services-based solutions marketplace. If you have any questions regarding this Ordering Guide, DPA, HCaTS Program contract vehicles, or our program in general, please feel free to contact HCaTS PMO at any time.

For more information about HCaTS Program Contracts, please visit our website at [www.gsa.gov/hcats](http://www.gsa.gov/hcats).