

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 training based requirement, and addresses contracting issues and concepts unique to HCaTS Program. The ordering guide presumes the OCOs are proficient in their 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 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 \(CFR\)](#).

SCOPE OF HCATS

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.

ROLES AND 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 policies.

OUT OF SCOPE SERVICES

The following requirements are prohibited under HCaTS scope:

- Inherently Governmental Functions – See *FAR Subpart 7.5* and [Office of Federal Procurement Policy \(OFPP\) Policy Letter 11-01](#)
- Personal services – 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 – 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

THE ORDERING PROCESS

HCaTS is a Multi-award IDIQ contract; when using HCaTS, OCOs must follow FAR Part 16.5 for ordering processes. There are many advantages in using FAR Part 16 when issuing a task order under Multiple Award contracts like HCaTS.

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 use GSA Discovery Tool for market research purposes.

OCO's 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.

*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

All contract types are allowed under HCaTS: Fixed-Price, all types ; Cost-reimbursement, all types; Time-and-materials; Labor-Hour; Hybrids of any contract types.

Assigning NAICS Code

OCOs must select the task order NAICS Code based upon the preponderance of work to be performed. For each Pool, OCOs must choose the predominant NAICS code:

POOL 1: \$11M SIZE STANDARD	
NAICS	TITLE
<u>611430</u>	<u>Professional and Management Development Training</u>
611699	All Other Miscellaneous Schools and Instruction
624310	Vocational Rehabilitation Services

POOL 2: \$11M SIZE STANDARD	
NAICS	TITLE
541611	Administrative Management and General Management Consulting Services
<u>541612</u>	<u>Human Resources Consulting Services</u>
541613	Marketing Consulting Services
541618	Other Management Consulting Services
611710	Educational Support Services

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 of HCaTS contract. OPM in conjunction with GSA offers an optional scope review and it 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 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:

Degree	Experience Substitution	Experience and Degree Substitution
Bachelor’s Degree	Six years of relevant work experience	Associate’s Degree plus four years of relevant work experience
Master’s Degree	12 years of relevant work experience	Bachelor’s Degree plus eight years of relevant work experience
Doctorate Degree	20 years of relevant work experience	Bachelor’s Degree plus 16 years or a Master’s Degree plus 12 years of relevant work experience

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. 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 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 contracts Sections I.1 establishes 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 order.

CFAR Clause 52.204-14, Service Contract Reporting Requirements

The contracting officer shall insert the clause at [52.204-14](#), Service Contract Reporting Requirements, in solicitations and contracts for services (including construction) that meet or exceed the thresholds at [4.1703](#). This clause is not required for actions entirely funded by DoD, contracts awarded with a generic entity identifier, or in classified solicitations, contracts, or orders.

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 0.75%. The total CAF amount shall be proposed as a separate and distinct CLIN for the base year and each option period, if applicable.

NOTE: For task orders awarded before 1 August 2018; the CAF remain as 2% fixed fee; however, the OCOs must change the CAF from 2% to 0.75% at the time of the next option year that will be exercised on or after 1 August 2018. If the task order will not be exercised on or after 1 August 2018, the CAF remain as 2% until the completion of the current base year or option year.

NOTE: Visit our website for CAF updates, exceptions or agencies specific CAF agreement, if any.

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)
- 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 contractors may be placed on a 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.

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

Predominant NAICS Code for Pool 2: 541612

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*.