



# Human Capital and Training Solutions (HCaTS)

## Ordering Guide

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GSA Federal Acquisition Service

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# Who is this Guide Written for?

This guide is written for warranted Federal Ordering Contracting Officers (OCOs) considering using the HCaTS contract vehicles. This guide addresses contracting issues and concepts unique to HCaTS contracts; however, OCOs shall follow FAR regulations and their agency specific policies as well adhere to the terms of the contract. This ordering guide presumes that OCOs are proficient in their duties, with a working knowledge of all applicable Federal regulations, executive orders, and human capital and agency policies.

Additional information to assist customer agencies in using the HCaTS contracts is also available online at [www.gsa.gov/HCaTS](http://www.gsa.gov/HCaTS). The HCaTS website includes the following resources:

- HCaTS Contracts
- Task Order Resources and Research Tools: Task Order and RFI Examples and Templates
- Pre-Award Scope Review Process
- HCaTS Training and Delegation of Procurement Authority (DPA) Process
- List of Contractor Holders

## Who Can Use HCaTS?

The HCaTS contracts may be used by all Federal agencies and other entities as listed in the GSA Order, OGP 4800.2I, Eligibility to use GSA Sources of Supply and Services, as amended.

## How to Begin Using HCaTS?

In order to solicit and place a task order under HCaTS, the OCO must first obtain a Delegation of Procurement Authority (DPA) from the HCaTS Contracting Officer. In order to do this, you must:

- Be a warranted Federal Contracting Officer (CO) in good standing
- Formally apply for and receive DPA training

### How to Request DPA Training?

DPA Training is approximately 60 minutes long and is provided through an online meeting space, or in person. To request DPA training, visit [hcats.gsa.gov](http://hcats.gsa.gov) under “Buyers Guidance and Resources”, “Request a Delegation of Procurement Authority (DPA)”. For an on-site training, email us at [HCaTSTraining@gsa.gov](mailto:HCaTSTraining@gsa.gov).

### Roles and Responsibilities

DPAs are issued to individual contracting officers, not agencies at large. There is no limit to the number of DPAs that can be issued to Contracting Officers within an Agency. An OCO with a DPA has the authority to solicit, award, administer, and modify task orders against the HCaTS Contracts.

The OCO shall comply with the HCaTS master contract terms and conditions, the Ordering Guide, the Federal Acquisition Regulation (FAR) and authorized agency supplement or exception, applicable agency-specific statutes and policies, and the additional responsibilities defined in the HCaTS DPA certification.

OCO duties include, but are not limited to:

- Task order scope compliance with HCaTS
- Certify funds availability and allocate funds for requirements
- Process disputes, claims, or protests under HCaTS
- Request and receive a DPA prior to soliciting and awarding a task order under HCaTS
- Comply with the terms and conditions of the HCaTS contracts
- Comply with the ordering procedures outlined in FAR Subpart 16.505 and other agency specific regulatory supplements
- Issue task order solicitations under the proper HCaTS MA-IDIQ contract numbers
- Comply with Inherently Governmental Functions policy as outlined in FAR 7.503
- Allow a reasonable time for fair opportunity proposal submission
- Resolve any performance issues, disputes, claims or protests at the task order level
- Respond to all Freedom of Information Act (FOIA) requests at the task order level
- Enter task order performance evaluation in the Contractor Performance Assessment Reporting System (CPARS) or alternative past performance assessment reporting system mandated by customer agencies that do not require the use of CPARS
- Close out task orders in a timely manner

### **Rights Reserved by the Procuring Contracting Officer**

The HCaTS CO is the sole and exclusive GSA Government official with actual authority to administer and modify the HCaTS contracts terms and conditions, monitor contractor performance in the areas of contract compliance and contract administration, and assist the contractor and OCO on matters related to the HCaTS terms and conditions.

The OCO for each task order may designate a Contracting Officer Representative (COR) to perform specific administrative or technical functions. The specific rights and responsibilities of the COR for each task order shall be described in writing, which upon request, shall be provided to the contractor. A COR has no actual, apparent, or implied authority to bind the Government. OCOs may not transfer delegation of procurement authority to a non-delegated Contracting Officer.

# What are some of the benefits of using HCaTS?

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

- Allows for all contract types at the task order level: Fixed-Price (all types), Cost-Type, Time-and-Materials, and Labor-Hour, including hybrid mixtures of contract types
- Utilize incentives, performance based measures
- Establish a CLIN structure tailored to individual task order requirements
- Help in achieving agency small business and socioeconomic goals
- Small business subcontracting plans have already been incorporated and administered by the HCaTS PMO office for other than small businesses
- Include Other Direct Costs (ODCs) and Ancillary Support at the task order level as needed
- Access templates and sample acquisition documents
- Acknowledge that responsibility determinations have already been completed for all contract holders in accordance with FAR Part 9, at the master contract level
- Share lessons-learned and best practices

## Options for Accessing the HCaTS Contracts

Agencies can use HCaTS in two ways:

1. **Direct Buy:** Agencies with designated OCOs may issue orders directly against HCaTS; the only requirement is that the OCOs obtain a DPA certificate prior to using the HCaTS. The buying activity is responsible to conduct all the acquisition actions, from acquisition planning to task order completion and close out. If you consider using HCaTS via Direct-Buy, see the section “How to Begin Using HCaTS”.
2. **Assisted Acquisition Service (AAS):** Agencies may enter into a Memorandum of Agreement (MOA) with GSA to issue a task order. MOA’s can be for cradle-to-grave services. GSA has specific statutory authority under 40 U.S.C 501 to purchase supplies and non-personal services on behalf of other agencies. Therefore, the Economy Act does not apply to HCaTS orders. Additionally, AAS offers value-added, customized, acquisition, project management, and financial management services for large and/or complex solutions. To learn more about AAS, visit [www.gsa.gov/r2assistedacquisition](http://www.gsa.gov/r2assistedacquisition).

## HCaTS Program Background

The General Services Administration (GSA) and the Office of Personnel Management (OPM) formed a partnership to jointly award and administer a strategically sourced contract vehicle for human capital

and training solutions. Through this partnership, GSA is principally responsible for contract administration, while OPM is 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. The HCaTS Program 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 Small Business (HCaTS SB) contracts refer to the master contracts of which the applicable terms, conditions, and clauses flow down to all HCaTS task orders. The services covered under the HCaTS Program can span across three Key Service Areas (KSAs):

**KSA 1:** Customized Training and Development Services

**KSA 2:** Customized Human Capital Strategy Services

**KSA 3:** Customized Organizational Performance Improvement

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

## 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 contracts – *FAR Paragraph 37.104(a)*
- Architectural & 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 Section C.3.3
- Requirements where the primary purpose is temporary services as defined by *FAR Section 37.112* and HCaTS Program Contracts Section C.3.4.

# HCaTS Vehicles/Pools/NAICS

HCaTS is comprised of two major vehicles and one sub-vehicle:

1. HCaTS Unrestricted (HCaTS-U)
  - 2.a HCaTS Small Business (HCaTS SB)
  - 2.b HCaTS 8(a)

Each of the vehicles are consists of two Pools covering different NAICS codes and size standards. All NAICS codes in each Pool have the same Small Business Size Standard. Some contractors won contracts in more than one Pool/SubPool and were awarded separate contracts for each of them. The current HCaTS Pools are as follows:

## **Pool 1 – Size Standard \$12M**

611430, Professional and Management Development Training (Primary NAICS)

611699, All Other Miscellaneous Schools and Instruction

624310, Vocational Rehabilitation Services

## **Pool 2 – Size Standard \$16.5M Size Standard**

541611, Administrative Management and General Management Consulting Services

541612, Human Resources Consulting Services (Primary NAICS)

541613, Marketing Consulting Services

541618, Other Management Consulting Services

611710, Educational Support Services

## **HCaTS Contractors:**

The list of HCaTS contract holders and their socio-economic status under each vehicle and pool is available on:

- GSA eLibrary ([gsaelibrary.gsa.gov](https://gsaelibrary.gsa.gov)): Search for “HCaTS”.
- HCaTS Website ([gsa.gov/hcats](https://gsa.gov/hcats)) under “Buyers Guidance and Resources”, “How to Use HCaTS”, “HCaTS Contractors and Capability Statements”.

## **The Ordering Process**

HCaTS is a Multi-award IDIQ contract; when using HCaTS, OCOs must follow FAR Subpart [16.5](#) for ordering processes. Additionally, OCOs shall follow 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.

## Step 1: Acquisition Planning

Orders against MA-IDIQ contracts, such as HCaTS, are *not* exempt from Acquisition Planning as prescribed in FAR Part 7. Conduct market research for your requirement in accordance with regulations as you would do with any procurement. You are encouraged to issue Requests for Information (RFI), draft solicitations, and other documents to HCaTS contract holders as part of your market research efforts.

Generally, OCOs shall follow the ordering procedures in FAR Subpart 16.505. Unless an authorized exception applies, fair opportunity procedures prescribed for the dollar value of the task order must be used. When the OCO plans to award an order based on an exception to fair opportunity, applicable Justifications and Approvals should be prepared as part of the planning process. Any required notices and postings must also be issued.

### Which HCaTS Vehicle to Use: HCaTS Unrestricted or HCaTS SB or HCaTS 8(a)?

Which HCaTS vehicle you will use depends on the determination made in the acquisition planning process as to whether or not your requirement should be set-aside for small business. Agencies have differing standards, interpretations, and policies regarding set-aside determinations. GSA encourages the practice of considering the small business awardees to fill your requirement first. The determination to set-aside a procurement for small business or not is part of the acquisition planning process and to be done prior to contract type selection. The HCaTS program office offer no opinion on any agency's decision making process concerning this issue.

When a small business set-aside is to be accomplished, use HCaTS SB as these contracts are awarded exclusively to small businesses. When a small business set-aside will not be accomplished and Full and Open is appropriate, use HCaTS Unrestricted.

- For 100% small business set-aside -> Must use HCaTS SB
- For WOSB/EDWOSB/VOSB/SDVOSB/HubZone Set-Aside -> Must use HCaTS SB
- For 8(a) Direct/Competitive Set-Aside -> Must use HCaTS 8(a)
- For Full and Open -> Must use HCaTS U

### Set-Asides for Socioeconomic Competition under HCaTS SB

HCaTS Small Business (SB) is a total small business set-aside contract. All orders issued under HCaTS SB are automatically considered set-aside for small business as only small businesses were awarded an HCaTS SB contract.

Unless the order solicitation explicitly requires size/socioeconomic recertification at the order level, the OCO shall rely on the size/socioeconomic status shown in the HCaTS SB Contractor List available here: [www.gsa.gov/HCaTS](http://www.gsa.gov/HCaTS). All HCaTS SB Contractors' size/socioeconomic status remains unchanged for each of their HCaTS SB contracts unless modified by a FAR 52.219-28 re-representation or due to a novation, merger, or acquisition IAW HCaTS Contracts Section G.3.10.

The OCO has discretionary authority under FAR 19.502-4(c) and FAR 16.505(b)(2)(F) to further set-aside orders for any of the small business concerns identified in FAR 19.000(a)(3) when it is anticipated that quotes will be obtained from at least two eligible small business concerns for which the order is to be set-aside.

- HUBZone Small Business concerns
- Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns
- \* Economically Disadvantaged Women-Owned Small Business (EDWOSB) concerns
- \* Women-Owned Small Business (WOSB) concerns

\* EDWOSB and WOSB competitive set-asides are subject to specific NAICS industry groups in which EDWOSBs and WOSBs are underrepresented. The eligible NAICS Codes for EDWOSB and WOSB set-asides are subject to change by the SBA. See [sba.gov/wosb](http://sba.gov/wosb) for the updated list of NAICS Codes to determine HCaTS SB Pool NAICS availability for EDWOSB or WOSB set-asides.

Small businesses retain their small business size status and socio-economic status during the ordering period under HCaTS SB. Accordingly, OCOs should not use SAM to determine the size status applicable to an HCaTS SB vendor. For HCaTS contractors, OCOs should use the spreadsheet found at [gsa.gov/hcats](http://gsa.gov/hcats) under "Buyers Guidance and Resources", "How to Use HCaTS", "HCaTS Contractors and Capability Statements" in order to determine the socioeconomic status of companies. When setting aside orders for socio-economic concerns, the specific small business program eligibility requirements identified in FAR Part 19 apply.

## Special Instructions Regarding Orders Set-Aside for 8(a)

Ordering activities seeking to satisfy their requirements through either 8(a) competitive or 8(a) Sole Source (Direct) task orders must use the HCaTS 8(a) vehicle only. OCOs cannot utilize HCaTS SB Pools or HCaTS U Pools for this purpose.

### **Competitive 8(a) Orders**

- Follow similar procedures to competing orders under any other HCaTS Pool.
- HCaTS 8(a) Pools were set aside exclusively for 8(a) competition, so if an OCO wishes to utilize a competitive 8(a) set aside task order, they would simply follow the fair opportunity procedures for soliciting to that HCaTS 8(a) Pools.
- May compete at any dollar level above the minimum SAT (\$250,000).
- All 8(a) Pool awardees have been offered and accepted by SBA into the 8(a) program at the IDIQ Contract Level under SBA requirement number [TX1565638190Y](https://www.far.gov/contract-terms/contract-terms-1565638190).
- No need to offer the order for SBA acceptance to get 8(a) credit for the order.
- All competitive orders default to the size/status shown in HCaTS 8(a) Pools notwithstanding their size/status shown in any other system.

## Sole Source (Direct) 8(a) Orders

- Sole Source (Direct) 8(a) Orders may be issued at the OCO's discretion subject to SBA approval. ***Sole Source (Direct) 8(a) orders must each be offered to and accepted by SBA before award. In the offer letter to SBA refer to HCaTS SBA requirement #TX1565638190Y.***
- A firm must be a current 8(a)
- participant at the time of task order award in order to receive a Sole Source (Direct) order. The OCO should check the 8(a) status at SBA Dynamic Search [https://web.sba.gov/pro-net/search/dsp\\_dsbs.cfm](https://web.sba.gov/pro-net/search/dsp_dsbs.cfm) before considering a Sole Source (Direct) order.
- Contractors who have exited from the 8(a) program are ineligible to receive an 8(a) Sole Source (Direct) order award.
- Follow your agencies' partnership agreement for offering the Sole Source (Direct) order to SBA: <https://www.sba.gov/document/support--sba-and-agencies-partnership-agreements>.
- In accordance with [FAR 19.805-1\(a\)\(2\)](#) the current 8(a) Sole Source (Direct) order limit is \$4.5 million; Except for 8(a) concerns owned by an Indian Tribe (Tribal Owned) or an Alaska Native Corporation (ANC) (reference [FAR 19.805- 1\(b\)\(2\)](#)) which have a Sole Source(Direct) order limit of \$25 million in accordance with [FAR 19.808-1](#).
- Department of Defense (DoD) only: DoD may also issue Sole Source (Direct) orders to 8(a) Native Hawaiian Organizations (NHO) (reference [13 CFR 124.506\(b\)\(2\)](#))
- [DFARS 219.808-1](#) increases Sole Source (Direct) order limit to \$100 million for ANC/Tribal Owned/NHO 8(a) concerns.

## Sole Source (Direct ) 8(a) orders to ANC/Tribal Owned/NHO 8(a) concerns

- Notwithstanding HCaTS 8(a) Pools IDIQ contracts were awarded competitively, [13 CFR 124.506 \(b\)\(1\) and \(2\)'s](#) "...if SBA has not accepted the requirement into the 8(a) BD program as a competitive procurement..." only applies to an order level requirement and may not be used as a rationale to prohibit allowing orders to ANC/Tribal/NHO 8(a) concerns on a Sole Source (Direct) order basis above the [FAR 19.805-1\(a\)\(2\)](#) \$4.5 million threshold.
- HCaTS 8(a) Pools order requirement that was initially solicited on a competitive basis may not be removed from competition and subsequently awarded to an ANC/Tribal/NHO 8(a) concern on a Sole Source (Direct) order basis.

## Task Order Contract Types

Subject to FAR and agency level required consideration criteria, limitations, and/or prohibitions, you may use any appropriate contract type(s) including:

- Fixed-Price, all types
- Cost-Type
- Time-and-Materials
- Labor-Hour
- Hybrid of any of these types

If you elect to use a hybrid of contract types, please use a separate line item number for the work under each contract type and annotate each line item with the associated contract type. This is important for clause implementation.

## Assign a NAICS Code to Each Order

The OCO may use the IDIQ Contract primary NAICS at the task order level or select a more specific NAICS depending on the requirement. The chart below identifies the HCaTS NAICS codes for both Pools with the primary NAICS code for each Pool appearing in bold type font:

<b>POOL 1: \$12M SIZE STANDARD</b>	
<b>NAICS</b>	<b>TITLE</b>
<b>611430</b>	<b>Professional and Management Development Training</b>
611699	All Other Miscellaneous Schools and Instruction
624310	Vocational Rehabilitation Services
<b>POOL 2: \$16.5M SIZE STANDARD</b>	
<b>NAICS</b>	<b>TITLE</b>
541611	Administrative Management and General Management Consulting Services
<b>541612</b>	<b>Human Resources Consulting Services</b>
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 the HCaTS Program may not be used to circumvent conditions and limitations imposed on the use of funds (FAR *Paragraph 16.505(a)(8)(ii)*).

## Minimum and Maximum Order Limitations

The minimum per-order limitation on HCaTS contracts is at the micro-purchase threshold as defined by FAR *Subpart 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 contracts, including all options, if exercised, is \$3.45 billion for Pool 1 and \$2.3 billion for Pool 2.

## Task Order Size Representation

The HCaTS PMO maintains a list on the HCaTS website (under “Who is on HCaTS”) that provides the business size classification for each contractor as it pertains to their HCaTS contract.

## Task Order Duration

The period of performance for each task order awarded under an HCaTS 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 the HCaTS contracts' ordering periods and may extend (including option periods) up to 5-years and 6-months beyond the ordering period (if FAR *Clause 52.217-8* Option to Extend Services is included in the task order). After the HCaTS contracts expire, they will remain active for administration purposes only.

## Task Order Small Business Size Representation

The HCaTS PMO maintains the list of contractors on the HCaTS PMO website that provides the Small Business Size Standards and socio-economic categories for each contractor as it pertains to its HCaTS contract.

## Labor Categories for Task Order Work

The list of HCaTS Labor Categories and Definitions is found in Attachment J.1, HCaTS Standardized Labor Categories (LCAT). Each Labor Category identifies the specific Standard Occupational Classification (SOC) occupations mapped to that Labor Category. Except for ancillary labor as defined under HCaTS Program Contracts Section B.3, when responding to a request for proposal under task order solicitations, regardless of contract type, the Contractor shall identify the LCATs and corresponding SOC System Number. The Contractor may deviate from the requirements listed below, however the contractor must clearly identify the deviation in its proposal; additionally OCOs must document and make a proper adjustment in a follow-on fair and reasonable price determination and other documents as necessary.

The following qualification substitution chart from the HCaTS contracts Section B.2.1 applies:

<b>Degree</b>	<b>Experience Substitution</b>	<b>Degree and Experience Substitution</b>
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

OCO's shall evaluate any identified deviations from the HCaTS definitions of Junior, Journeyman, Senior, and Subject Matter Expert (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 ODC by a separate CLIN on the task order award as described below. The task order solicitation should provide instructions to 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 Section J.1 (Standardized Labor Categories) were considered and why they were not appropriate or did not fit the task order requirements
- A discussion of the BLS SOC occupations that were examined to determine if the specialized labor could be mapped to a BLS SOC occupation as applicable

**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 be stated in the task order solicitation and should, at a minimum, include the elements discussed above. This ensures that all Offerors use the same vocabulary and can easily be compared with one another.

Important NOTE: Contractors may deviate from the definitions above when responding to task order solicitations so long as the deviations are clearly identified in their task order proposal. For example, a Contractor might label an employee as “Senior”, but the employee does not have a college degree. Likewise, a Contractor might label an employee as “SME” even though the employee has less than 2 years of experience. Deviations shall be clearly identified and properly priced in proposals submitted in response to task order solicitations.

## Other Direct Costs (ODC) and Ancillary Support

ODC support, integral and necessary as part of a total integrated solution within the scope of HCaTS for which there is not a labor category specified in the Attachment J.1 or includes other direct costs such as travel, materials, equipment, subcontractors, etc., to obtain a total service solution, are allowable costs and may be included within an individual task order under HCaTS. The Contractor should propose and identify each other direct cost separately and the OCO should identify each ODC support service or other direct cost by a separate CLIN in the task order award. Agencies should follow agency specific policies as well as FAR Subpart 16.505 and FAR Part 6 regarding competition requirements as it relates to ODCs.

## 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.

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

The Contractor may provide separate and/or blended loaded hourly labor rates for prime Contractor labor, each Subcontractor, and each Division, Subsidiary, or Affiliate in accordance with the provisions set forth in FAR 52.216-29, FAR 52.216-30, or FAR 52.216-31. The OCO must identify which provision is applicable in the task order solicitation and Contract Line Item Number (CLIN). T&M and L-H task orders

require the HCaTS Standardized Labor Categories and their associated rates to be identified in the task order award document. ODC subcontract labor shall be proposed and awarded as Materials in accordance with FAR 52.232-7, Payments under T&M and L-H contracts.

When preparing solicitations for T&M and L-H task order line items, in the task order solicitation, the OCO must include the provision FAR 52.216-31 Time-and-Materials/Labor-Hour Proposal Requirements-Commercial Item Acquisition.

For organizations within DoD, when selecting FAR 52.216-29, the OCO must also select the appropriate DFAR clause (such as 252.216-7002, Alternate A). OCOs shall always follow their agency's internal guidelines including required justifications and/or approvals for use of this contract type.

**NOTE:** Only for **Sole-source** T&M and L-H task orders, the pricing associated with the HCaTS Labor Categories can be used as a ceiling price point. Request the pricing from HCaTS PMO office for your sole-source T&M, L-H task order. The pricing is fully burdened, and has ceiling rates that do not change with the delivery location for exempt (professional) labor categories. Contractors may offer pricing that is lower than the ceiling rates at the task order level.

## Service Category Labor Standards (SCLS)

The HCaTS labor categories are subject to the Service Category Labor Standards (SCLS) (formerly known as Service Contract Act/SCA) in accordance with FAR Subpart 22.10 and other applicable agency specific regulatory supplements. The OCO must identify such work in the task order solicitation and make a determination as to whether the SCLS wage determinations are to be applied or not. HCaTS includes clauses applicable to any SCLS work that is within the scope of HCaTS.

## FAR Clause 52.204-14, Service Contract Reporting Requirements

The OCO 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.

For task orders subject to the Service Contract Reporting Requirements, contractors must provide information on the Full-Time Equivalent (FTE) employee hours invoiced against the contract by the prime contractor and any subcontractors. In addition, OCOs must keep the track of the annual reporting; follow up with delinquent contractors regarding their obligation to report, and exercise appropriate contractual remedies.

## 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 HCaTS CAF shall be included in each task order under a separate and distinct line item for the base year and each option period (if applicable). In response to all task order solicitations, regardless of contract type, the Contractor shall always propose a CAF rate of 0.75% of the total contract value, including ODCs, travel, options, etc.

The CAF is to be included on each invoice as 0.75% of the total invoiced charges. The CAF will be paid by the customer agency to the Contractor. The Contractor will report and submit (quarterly) the collected CAF to GSA.

**NOTES:** For task orders awarded before 1 August 2018; the CAF remain as a 2% fixed fee; however, 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 an option to 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.

Visit our website for CAF updates, exceptions, or agency specific CAF agreements, if any.

## Other Significant Planning Considerations

Other key considerations to address in developing your acquisition plan and preparing for task order solicitation include:

- Economy Act - does not apply to HCaTS task orders; GSA is specifically authorized by law to purchase supplies or non-personal service on behalf of other agencies. No documentation is required unless mandated by your agency's policy.
- Inherently Governmental Functions - FAR 7.503(e) stipulates that the requirements official shall provide to the OCO, concurrent with the statement of work, a written determination that none of the functions to be performed are Inherently Governmental.
- Personal Services - FAR 37.104 characterizes personal services contracts as an employee-employer relationship between the Government and contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment or other procedures required by civil service laws. Obtaining personal services by contract, rather by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of the services by contract. Personal services are NOT authorized on HCaTS.
- Performance-based contracting methods are preferred
- Identify and evaluate potential organizational conflicts of interest (COI).
- Preparation of a Quality Assurance Surveillance Plan and identification of performance metrics, as applicable.
- Tailor the Evaluation Factors and Source Selection Methodology as applicable to your requirement

## HCaTS Tools and Planning Resources

As an authorized user of HCaTS, agencies have access to a number of tools and resources found on the “Buyers Guidance and Resources” page that can be accessed through [www.gsa.gov/hcats](http://www.gsa.gov/hcats). These resources are constantly being edited, changed and updated to better assist agencies with their requirements.

### Scope Determination:

If you are not sure whether HCaTS can support your requirement:

The HCaTS PMO offers a complementary scope review; submit your request through [gsa.gov/hcats](http://gsa.gov/hcats), under “Buyers Guidance and Resources”, “How to Use HCaTS”, “Request a Pre-Award Scope Review”. GSA offers and strongly encourages OCOs to take advantage of task order pre-solicitation scope reviews. This review will ensure your requirement is being placed under the appropriate contract vehicle and pool.

- Issue a Request for Information (RFI) under the HCaTS vehicles. Download the HCaTS RFI template from [gsa.gov/hcats](http://gsa.gov/hcats) under “Buyers Guidance and Resources”, “How to Use HCaTS”, “HCaTS Task Order Resources”. The process of issuing the RFI is similar to issuing an RFP; refer to the ordering process, *Step 3: Issue a Solicitation*.
- Review HCaTS contractors Capabilities Statements available on [gsa.gov/hcats](http://gsa.gov/hcats) under “Buyers Guidance and Resources”, “How to Use HCaTS”, “HCaTS Contractors and Capability Statements”.

## Step 2: Define the Requirements

### Requirements Development Support Resources

Agencies have access to a considerable array of support resources during the requirements development phase. GSA’s AAS may be available to support your agency in task order solicitation, including defining your requirements and developing the solicitation package.

### Price Estimating and Developing IGCE

GSA has developed a number of automated pricing tools to assist in developing various programs task order IGCEs, below are a few examples:

- Discovery Tool (<https://discovery.gsa.gov/>): information on all HCaTS contract holders and streamlines the process for developing acquisition planning.
- Contract Awarded Labor Categories (CALC) Tool (<https://calc.gsa.gov/>): helps find awarded prices to use in negotiations for labor contracts. It offers ceiling prices, fully burdened costs, services data, and worldwide rates.
- OASIS Price Estimating Tool (PET) (<https://oasispet.gsa.gov/>): assists in the development of the labor portion of the IGCE. Its power lies in the ability to index pricing to approximately 640 precise geographic locations. It was originally developed

for other program (OASIS) at GSA, but HCaTS labor categories are available there as well.

## Developing the Solicitation

Use the solicitation form and format for task orders normally prescribed and used by your agency for task order solicitations, consistent with FAR 16.505 procedures. In accordance with FAR 16.505(b)(1)(ii) Fair Opportunity, “the contracting officer should keep submission requirements to a minimum.” FAR 16.505(b)(1) states that the contracting officer must: (A) Develop placement procedures that will provide each awardee a fair opportunity to be considered for each order and reflect the requirement and other aspects of the contracting environment; (B) Not use any method (such as allocation or designation of any preferred awardee) that would not result in a fair consideration being given to all awardees prior to placing each order; (C) Tailor the procedures to each acquisition; (D) Include the procedures in the solicitation and the contract; and (E) Consider price or cost under each order as one of the factors in the selection decision. FAR 16.505(b)(1) also provides additional Fair Opportunity requirements for different dollar thresholds. Please be sure to reference the FAR during solicitation development.

In addition to the typical content of your solicitation, certain information particular to using HCaTS appropriately should be added, emphasized, or highlighted in your solicitation. That information will be discussed and explained in the succeeding paragraphs. A Task Order Solicitation Template (optional) and additional samples are available on [gsa.gov/hcats](http://gsa.gov/hcats) under “Buyers Guidance and Resources”, “How to Use HCaTS”, “HCaTS Task Order Resources”.

In addition to the information required by FAR 16.505(a)(7), all task order solicitations shall provide the following information at a minimum:

- Applicable NAICS, Product Service Code (PSC), and Service Category(ies) covered
- SOW/PWS/SOO
- Contract Line Item Number Information and Contract Type(s)
- Evaluation Factors and Source Selection Methodology
- Period of Performance and Place of Performance
- Proposal Due Date and Submittal Instructions
- Other Pertinent Information (for example: agency specific clauses, optional clauses, etc.)

## Clauses and Provisions

All applicable and required provisions/clauses set forth in FAR 52.301 automatically flow down to all HCaTS task orders, based on their specific contract type, statement of work, and dollar value. All applicable and required provisions/clauses that automatically flow down to task orders shall remain unchanged throughout the entire period of performance under HCaTS. If future applicable or required provision/clause are to the benefit of future task orders solicited under HCaTS, the future applicable or required provision/clause may be updated by FAC No. and effective date under a bilateral modification to the HCaTS contracts.

In accordance with FAR 8.005, the OCO shall, “Insert the clause at 52.208-9, Contractor Use of Mandatory Sources of Supply and Services, in solicitations and contracts that require a contractor to provide supplies or services for Government use that are on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled.” For certain task orders where supplies are anticipated to be supplied for use by the Government, the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled is a mandatory source of supply and should be checked to see if these supplies are available from this source.

The OCO may identify any optional and/or agency-specific provisions/clauses for each individual task order solicitation and subsequent award. The OCO must provide the provision/clause Number, Title, Date, and fill-in information (if any), as of the date the task order solicitation is issued.

## Evaluation Factors

In accordance with FAR 16.505(b)(1)(ii), the policies in FAR Subpart 15.3 (Source Selection) **DO NOT** apply to the MA-IDIQ ordering process. In addition, “*The contracting officer may exercise broad discretion in developing appropriate order placement procedures. The contracting officer should keep submission requirements to a minimum. Contracting officers may use streamlined procedures, including oral presentations.*”

The task order solicitation and award process should be as streamlined as practical to reduce solicitation and proposal preparation costs and time for both the Government and the Contractor, respectively.

## Step 3: Issue the Solicitation

### Methods of Issuing the Task Order Solicitation

A Task Order Solicitation under HCaTS may be issued by:

- Posting an RFP on GSA’s e-Buy at <http://www.ebuy.gsa.gov> (**preferred method**)
- Emailing an RFP directly to all contractor\* points of contact in the relevant vehicle/pool and copy [hcats@gsa.gov](mailto:hcats@gsa.gov) and/or [sbhcats@gsa.gov](mailto:sbhcats@gsa.gov).
- If a sole source or direct award, email directly to the selected contractor\*

*\*The HCaTS contractor lists are available on [gsa.gov/hcats](http://gsa.gov/hcats).*

The task order RFP must be sent to all Contractors within a given Pool. In accordance with FAR 16.505(b)(1)(i) Fair Opportunity, “*The contracting officer must provide each awardee a fair opportunity to be considered for each order exceeding \$3,500 issued under multiple delivery-order contracts or multiple task-order contracts, except as provided for in paragraph (b)(2).*”

For a sole source or direct award, FAR Paragraph [16.505\(b\)\(1\)](#) applies for the fair opportunity notification requirement.

**Important Note:** OCOs may not issue a RFP or RFI under more than one vehicle and one pool at a time.

## Contractors in Dormant Status

HCaTS contractors may be placed in Dormant Status while they develop corrective measures for the HCaTS Program CO to review and approve as defined under HCaTS Program Contracts Section 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. Prior to award, OCOs must check the contractor list located on [gsa.gov/hcats](https://gsa.gov/hcats) to verify the dormancy status of the potential awardee.

## Step 4: Evaluate Proposals

OCO should evaluate proposals based on the methodology stated in the task order solicitation to maintain fairness in the ordering process and mitigate protest risk.

### Price Fair and Reasonable Determination

The OCO is responsible for analyzing order proposals and documenting the price evaluation to include a determination that the final agreed to price is fair and reasonable. Generally, no additional pricing data from the Offeror will be needed if there is adequate price competition in accordance with FAR [Section 15.402](#).

OCO are encouraged to negotiate additional discounts off of the awarded rates (FAR Subpart 15.3 does not apply!).

NOTE: All costs associated with the preparation, presentation, and discussion of the Contractor's proposal in response to a task order solicitation will be at the Contractor's sole and exclusive expense. Vendors shall not seek reimbursement for proposal preparation costs at the task order level.

## Step 5: Award the Task Order

### Order Award Documentation

Document your task order awards in accordance with regulation and local policy.

### GSA Task Order Award and Modification Information

The OCO is encouraged to submit all task order award and modification data within 30 calendar days to the HCaTS Program Office at [hcats@gsa.gov](mailto:hcats@gsa.gov) for orders awarded under Unrestricted contracts or [sbhcats@gsa.gov](mailto:sbhcats@gsa.gov) related to Small Business contracts.

### Public Notice of Awards Not Providing for Fair Opportunity

For orders based on an exception to fair opportunity, the OCO must post the required public notice in accordance with the procedures found at FAR 16.505(b)(2)(ii)(D). Note the actions excluded from this requirement are disclosures that would compromise national security and small business set-asides authorized by FAR Paragraph 16.505(b)(2)(i)(F).

## Order Level Protests

The OCO is encouraged to contact the HCaTS PMO for any HCaTS related assistance including assistance with disputes, claims, or protests. However, the OCO is responsible for resolving any performance issues, disputes, claims, or protests at the task order level. FAR Paragraph 16.505(a)(10) prohibits protests under FAR subpart 33.1 in connection with the issuance or proposed issuance of task orders against an MA-IDIQ contract except for:

- A protest on the grounds that the order increases the scope, period of performance, or maximum value of the contract
- A protest on orders valued in excess of \$10 million.

FAR 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 subpart 33.104 to the GAO.

## Ombudsman

At the IDIQ contract level, subject to GSAM 552.216-74, GSA has appointed the required Ombudsman to resolve complaints related to fair opportunity in the ordering process consistent with the procedures of HCaTS and to review HCaTS CO decisions to place Contractors in Dormant Status. 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.

For more information about GSA's Procurement Ombudsman visit [gsa.gov/ombudsman](http://gsa.gov/ombudsman).

## Reporting Task Order Awards in FPDS-NG

Task order awards shall be reported in the Federal Procurement Data System – Next Generation (FPDS-NG) within 3 days after execution of the action. This requirement also applies to agencies that may not otherwise be required to create FPDS-NG reports (i.e. agencies that do not receive appropriated funds), as the Service Contract Reporting (SCR) link in SAM.GOV is activated based on FPDS-NG data. It is important that each HCaTS task order is reported as an order under the correct HCaTS contract number, identifying the appropriate NAICS Code and PSC. Use the following NAICS Code to report the task orders in the FPDS-NG system:

- Predominant NAICS Code for Pool 1: 611430
- Predominant NAICS Code for Pool 2: 541612

It is also important that FPDS-NG accurately reflects the requirements ordered and task order solicitation procedures used to award task orders under HCaTS. To ensure that your agency gets proper credit for your awards, make sure your FPDS-NG reports accurately reflect the appropriate values in all fields related to award data.

## Post-Award Survey

Approximately within 30 days after a task order award under HCaTS, the HCaTS PMO will send a survey from to the awarding CO to collect information regarding the acquisition process and the offers. This survey is required for the HCaTS program data transactional report.

## Step 6: Task Order Administration

### Reporting Modifications in FPDS-NG

All task order modifications involving price or scope changes must be reported in FPDS-NG. This requirement also applies to agencies that may not otherwise be required to create FPDS-NG reports (i.e. agencies that do not receive appropriated funds), as the Service Contract Reporting (SCR) link in SAM.GOV is activated based on FPDS-NG data.

### Reporting Modifications to GSA

Within 30 days after awarding a task order modification involving price or scope changes, use the form at Appendix H, Task Order Modification Information Form to report the action to GSA.

### Subcontracting and Limitations on Subcontracting

FAR Clause 52.219-14, Limitations on Subcontracting (Jan 2017), incorporated by reference at the MA-IDIQ contract level and will be monitored and enforced by the HCaTS PMO.

### Performance Evaluation

Each OCO is responsible for ensuring that the contractor's performance on each order is reported in CPARS in accordance with the policies in FAR Subpart 42.15. Follow your agency's procedures for preparation, review, and submission of performance reports. GSA will consider task order performance information as part of performance evaluations at the IDIQ contract level. Task order performance may also be considered in placing contractors in dormant status.

## Step 7: 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 procedure in FAR *Section 42.708*.

# HCaTS TOOLS & RESOURCES

HCaTS tools have been developed to assist you in effectively and efficiently acquiring complex, integrated building maintenance and operations services to provide total solutions to your agency's mission requirements. The website can be accessed at [gsa.gov/hcats](https://gsa.gov/hcats)

**Send your questions regarding the ordering process to [hcats@gsa.gov](mailto:hcats@gsa.gov) or [sbhcats@gsa.gov](mailto:sbhcats@gsa.gov).**

The website contains information and support resources such as:

- The HCaTS Contracts
- Attachment J.1, HCaTS Standardized Labor Categories (LCATs)
- **Templates:** Request For Information (RFI), Task Order Solicitation, Task Order Statements of Work
- Listings of HCaTS contractors that include Key Personnel contact information, Company's address, socio-economic and dormancy status
- HCaTS Contractors' Capability Statements
- **Pre-Award Scope Review** requests
- The Ordering Guide
- HCaTS Overview Slides
- Link to the Acquisition Gateway
- IGCE and Price Fair and Reasonableness Determination Tools for Labor rates- under "Research Tool"
- HCaTS Training and Delegation of Procurement Authority (DPA) requests