

# Human Capital and Training Solutions (HCaTS) ORDERING GUIDE

This Ordering Guide sets forth the procedures for issuing task orders against the HCaTS Program Contracts to fill agencies' mission requirements for complex, integrated professional services.

## Federal Acquisition Service, HCaTS Program Office

GSA Federal Acquisition Service and Office of Personnel Management

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## 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.

The Human Capital and Training Solutions (HCaTS) Program is comprised of two contract vehicles: HCaTS (full and open) and HCaTS Small Business (small business set-aside), which provide 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 \(CFR\)](#).

The term HCaTS Program will be used throughout this ordering guide to refer to both contract vehicles, while HCaTS will be used when referring to the full and open contract vehicle and HCaTS SB will be used to refer to the small business set aside contract vehicle. All correspondences to the HCaTS Contracting Officer (CO) shall be sent to [hcats@gsa.gov](mailto:hcats@gsa.gov), and all correspondences to the HCaTS SB CO shall be sent to [sbhcats@gsa.gov](mailto:sbhcats@gsa.gov). The HCaTS Program Contracts/HCaTS Contract/HCaTS SB Contract refer to the master contracts whose terms and clauses flow down to all task orders that will be issued against them.

The services covered under the HCaTS Program span many areas of expertise and mission spaces. A requirement can span across the three Key Service Areas: 1) Customized Training and Development Services, 2) Customized Human Capital Strategy Services, and 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/or non-classified, and/or CONUS and OCONUS. All HCaTS Program Task Orders must be within scope of one or more of the HCaTS Program's Key Service Areas. Review Section C of the HCaTS Program Contracts for the complete description of the scope.

The HCaTS Program is a Multiple-Award (MA), Indefinite Delivery, Indefinite Quantity (IDIQ), 10 years (5-year base, one 5-year option period, and FAR *Clause 52.217-8* Option to Extend Services {providing for 6 months of additional service}).

Online resources supporting the use of the HCaTS Program are available at [www.gsa.gov/hcats](http://www.gsa.gov/hcats). Available resources include: copies of the Contracts and Contract modifications, a list of the industry partners who were awarded HCaTS Program Contracts, Contractor Accreditations, and much more.

## **HCaTS Program Ordering Guide**

The HCaTS Program Ordering Guide is written for warranted Federal Ordering Contracting Officers (OCOs). It explains how the HCaTS Program can be used to satisfy a customized human capital and/or training based requirement, and addresses contracting issues and concepts unique to the HCaTS Program. The ordering guide presumes the OCO is proficient in his or her duties with working knowledge of all applicable Federal regulations, executive orders, and human capital and agency policy, and will only address general contracting rules when needed to explain a process or give a complete understanding of an HCaTS Program specific concept.

## **Benefits of Using the HCaTS Program**

The 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, and
- Purchase commercial or non-commercial services, and
- Use any contract type or any hybrid mixtures of contract types, and
- Tailor Contract Line Item Number (CLIN) structures to task order requirements, and
- Task order work within CONUS and outside CONUS, and
- Services can be Classified or non-Classified, and
- Meet or exceed small business goals in all categories, and
- Add labor categories at the task order level, and
- Include ancillary services and other direct costs (ODCs) at the task order level as needed, and
- Transactional and analytics data for spend analysis and market research, and
- Acquisition Resources on HCaTs Program website: [www.gsa.gov/hcats](http://www.gsa.gov/hcats), and

- OPM project consultants can assist HCaTS customers through recommendations based on OPM's Human Capital Framework to assist in optimizing the effectiveness of an agency's solution to help an agency meet their goals, and
- Includes requirements for an agency to comply with the GPRA Modernization Act of 2010, and
- Increase the effectiveness and efficiency of critical business processes, and
- Maximize the return on investment in human capital management and training services.

## **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, and
- Have exclusive, non-delegable rights to modify Basic Contract terms and conditions, and
- Make all within scope determinations for Contractor compliance, and
- Provide advice and guidance to Ordering/requiring activities, OCOs and contractors regarding all HCaTS/HCaTS SB procurement-related matters, and
- Conduct meetings with HCaTS/HCaTS SB Prime Contractors as scheduled and/or necessary, and
- Verify OCO's DPA status to HCaTS/HCaTS SB Contractors' Corporate HCaTS Contract Manager (CHCM), and
- Ensure compliance with *FAR Clause [52.219-14](#)*: Limitations on Subcontracting, and
- Consider exercising a Contractor's Option 1 for an additional five years in accordance with *FAR Clause [52.217-9](#)*. If applicable, extend contract for an additional six month in accordance with *FAR Clause [52.217-8](#)*, and
- 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, and
- Makes scope recommendations to the HCaTS Program COs.

### **OCO's Responsibilities:**

The OCO is expected to comply with the HCaTS Program Contracts terms and conditions, the HCaTS Program Ordering Guide, the Federal Acquisition Regulation (FAR) or authorized agency supplement or exception thereto, applicable agency statutes and policies, and additional responsibilities defined in the HCaTS Program DPA. The following items shall be sent to the respective HCaTS Program CO: task order solicitation, cancellation notices of task order solicitations, FPDS-NG award notice, and poor past performance reports.

Some highlighted responsibilities from the HCaTS Program Contracts:

- Sections G.2.4- Comply with OCO duties
- Sections G 3.4- Submit a PPIRS Report through CPARS. (However, if a Federal agency requires an alternative past performance assessment reporting system for a specific task order(s) other than CPARS, the alternative reporting system takes precedence over CPARS)
- Sections G.4- Closeout Task Orders within the procedures set forth in *FAR Parts 4* and *42*, and other agency regulatory supplements
- Sections H.4- Follow ordering procedure
- Sections H.4.2- Determine the predominant NAICS Code
- Sections H.5- Assign the 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 \(GPR\) 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, HCaTS Pools 1 & 2 and HCaTS SB 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 and SB Pool 1 are composed of three NAICS Codes with a Small Business Size Standard of \$11 million. Pool 2 and SB Pool 2 are 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)**

The HCaTS Program contains 84 priced LCATs that are mapped to 21 of the 840 OMB Standard Occupational Classifications (SOCs) (the SOC will be updated in 2018 figures here are based on the latest 2010 guide). Each of the 21 occupations have been defined and priced for four levels of experience and education at both the Government and Contractor sites. The list of HCaTS Program LCATs is found in the HCaTS Program Contracts at Section J; Attachment J.1 (Standardized Labor Categories). Each LCAT identifies the specific SOC occupations mapped to that LCAT. The remainder of the 840 SOC occupations that were not included in the HCaTS Program LCATs are considered ancillary labor categories that may be used to provide the ancillary support services allowed and defined under HCaTS Program Contracts Sections C.3.2.

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 the 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. Whenever possible, this specialized professional labor should be mapped to the BLS SOC.

## **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*, and



- Personal services as defined in FAR *Paragraph 37.104(a)*, and
- Architect & Engineering (A&E) Services subject to the Brooks Act and FAR *Part 36* acquisition procedures, and
- 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*, and
- 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, and
- Requirements where the primary purpose is temporary services as defined by FAR *Section 37.112* and HCaTS Program Contracts Sections C.3.4, and
- Learning management systems<sup>1</sup>.

## Accessing the HCaTS Program Contracts

Task orders issued against HCaTS Program contract vehicles are considered Interagency Acquisitions<sup>2</sup>. Agencies with designated OCOs may issue task orders directly against the HCaTS Program Contracts or they may enter into an Interagency Agreement (IAA) with the HCaTS Assisted Acquisition Services to issue the task order on their behalf. IAAs are for cradle-to-grave services.

## Delegated Procurement Authority (DPA)

In order to solicit and place a task order against the HCaTS Program, an agency must have one or more of its COs attend Delegation of Procurement Authority (DPA) training and obtain a DPA from the HCaTS Program COs. Additionally, HCaTS Program Task Orders can only be re-assigned for administration to an agency CO who has been issued an HCaTS Program DPA.

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<sup>1</sup> A learning management system (LMS) is a software application for the administration, documentation, tracking, reporting and delivery of electronic educational technology (also called e-learning) courses or training programs.

<sup>2</sup> References 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>

No work may be performed, no obligation may accrue and no payment may be made against the HCaTS Program Contracts except as authorized by a bona-fide written order signed by a CO with an HCaTS Program 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](http://gsa.gov/HCATS) and follow all instructions. GSA will work with agencies to expedite training and DPA requests.

DPAs are issued to individuals not to an agency as a whole. Agencies are not limited in the number of COs that apply for a DPA. Once an agency CO receives a DPA, he or she is officially known as an OCO. An OCO has the authority to solicit, award, administer, and modify task orders against the HCaTS and HCaTS SB Contracts on behalf of its agency.

DPA training may be done via conference call, webinar, or in-person. The HCaTS Program COs may revoke a DPA if the OCO is not complying with the roles and responsibilities in its DPA.

## **THE ORDERING PROCESS**

### **Step 1: Acquisition Planning**

Task orders against the 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.

OCO 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. Any required notices and postings must also be issued.

### **Choosing the Appropriate Contract Vehicle**

The acquisition planning process will determine the choice of the HCaTS Program contract vehicle that is appropriate for the requirement. Agencies have differing standards, interpretations, and policies regarding set-aside determinations that should be incorporated into the determination. The determination to set-aside a procurement for Small Business is to be done prior to the selections of contract vehicle.

### **Set-Asides**

Small business set-asides may be done on both HCaTS Program contract vehicles and may be set aside 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 offers will be obtained from at least two responsible small business concerns within a socio-economic subgroup under the corresponding Pool (see Appendix A). All policies and procedures under FAR *Part* [19](#) apply. For 8(a) orders, IAW FAR *Subsection* [19.804-6](#) applies, and separate offers and acceptances from the SBA are not required. Task order solicitations may be a competitive set-aside for the following socio-economic subgroups:

1. 8(a) Small Business (8(a) SB), and/or
2. HUBZone Small Business (HUBZone SB), and/or
3. Service-Disabled Veteran-Owned Small Business (SDVOSB), and/or
4. Economically Disadvantaged Women-Owned Small Business (EDWOSB), and/or
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. Competitive set-asides by socio-economic subgroup must be solicited to all eligible Contractors under that particular socio-economic subgroup in the selected Pool and be within the dollar thresholds established in FAR *Part* [19](#).

### **Task Order Contract Types**

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

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

If a hybrid contract type is used, use separate CLINs for the work under each contract type and annotate each CLIN with the associated contract type. This is important for clause implementation.

### **Assigning a NAICS Code**

In accordance with regulation, OCO's must select the task order NAICS Code based upon the preponderance of work to be performed and not based upon the applicable Small Business Size Standard or the NAICS Code the HCaTS Program Contract was awarded under (see Appendix A).

The NAICS Code the OCO assigns will not necessarily be the same code assigned to the task order award report in the Federal Procurement Data System – Next Generation (FPDS-NG) (see "Step 5: Award the Task Order").

Each HCaTS Program Pool is a distinct Contract. Accordingly, the fair opportunity procedure for each task order only applies to the HCaTS Program Contractors that were awarded contracts in the Pool being solicited under.

### **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<sup>3</sup>.

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<sup>3</sup> Reference 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 the HCaTS Program Contracts ordering periods and may extend (including option periods) up to 5-years and 6-months (If 6 months of services were added to the task order via FAR *Clause 52.217-8 Options to Extend Services*) after the HCaTS Program Contracts ordering periods expire.

After the HCaTS Program Contracts expire, the HCaTS Program Contracts will remain active for administration only. The HCaTS Program Contracts shall govern the terms and conditions of active task orders to the same extent as if they were completed during the HCaTS Program Contracts periods.

### **Minimum and Maximum Order Limitations**

The minimum per order limitation on the 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 each individual task order placed under an HCaTS Program Contract is \$3.45 billion for Pool 1 and \$2.3 billion for Pool 2. An unlimited number of task orders may be placed under an HCaTS Program Contract throughout the ordering period, including options, if exercised. 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**

The HCaTS PMO maintains a list on the HCaTS Program website that provides the Small Business Size Standard for each contractor as it pertains to its HCaTS Program Contract. These lists are accessible by links found on the HCaTS Program Website. After going to the HCaTS Program Website at [www.gsa.gov/hcats](http://www.gsa.gov/hcats) Select the link for "[Who is on HCaTS?](#)" on the left side of the page. There are links to download the lists for both HCaTS and HCaTS SB Contractors by Pool located here.

### **Other Significant Planning Considerations**

- Services not allowed on HCaTS Program Task Orders, and
- Economy Act – does not apply to the HCaTS Program Task Orders; GSA is specifically authorized by law<sup>4</sup> to purchase supplies or non-personal service on behalf of other agencies. No documentation is required unless mandated by agency policy, and
- Commerciality determination, and<sup>5</sup>
- Performance-based contracting methods are preferred, and<sup>6</sup>
- Identify and evaluate potential organizational conflicts of interest (COI), and<sup>7</sup>
- Preparation of a Quality Assurance Surveillance Plan and identification of performance metrics as applicable, and<sup>8</sup>
- Use of Advisory and Assistance Services<sup>9</sup>, and
- Small Business goals<sup>10</sup>, and
- Requirement<sup>11</sup>, and
- Source selection procedures<sup>12</sup>.

### **Planning Support Resources**

The HCaTS Document Library contains a number of planning support resources. This can be accessed through the link on the HCaTS Program website at [www.gsa.gov/hcats](http://www.gsa.gov/hcats). These resources are constantly edited and changed. Not all resources are available at the beginning of the HCaTS Program Contracts' life.

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<sup>4</sup> [40 U.S.C. 501](#), Federal Property and Administrative Services Act

<sup>5</sup> Reference FAR *Paragraph* [10.001\(a\)\(3\)\(ii\)](#) and FAR *Paragraph* [10.002\(c\)](#).

<sup>6</sup> Reference FAR *Section and Paragraphs* [7.105](#); [7.105\(b\)\(5\)\(i\)](#); [37.102\(a\)](#); FAR *Subpart* [37.6](#); and FAR *Paragraph* [16.505\(a\)\(3\)](#).

<sup>7</sup> Reference FAR *Subpart* [9.5](#); and FAR *Subsection* [9.507-1](#).

<sup>8</sup> Reference FAR *Section* [46.401](#).

<sup>9</sup> Reference FAR *Section* [7.103](#)

<sup>10</sup> Reference FAR *Section* [7.104](#)

<sup>11</sup> Reference FAR *Section* [7.105](#)

<sup>12</sup> Reference FAR *Section* [7.105](#)

## Step 2: Define the Requirements and Develop the Task Order Solicitation

### Requirements Development Support Resources

There are numerous tools available online at the HCaTS Program website, including, but not limited to:

- Contract terms and conditions, and
- OMB guidance<sup>13</sup> on structuring contracts, including:
  - Increasing competition, and
  - Using PBA and commercial solutions, and
  - Selecting the best contract type, and
  - Mitigating risk on cost-reimbursement and T&M/L-H types, and
  - Using incentives effectively, and
  - Transitioning to lower risk contract types.
- Best Practices postings, and
- Links to resources.

Additionally, OPM in conjunction with GSA offer assisted acquisition services on a fee basis to assist with defining requirements and developing the solicitation package.

### Pre-Solicitation Scope Reviews

Task orders under the HCaTS Program must be within the scope of the Contracts as discussed in Sections C. The HCaTS Program COs make all ultimate scope determinations on their respective contract vehicles to ensure compliance. However, as a service, OPM can perform an optional scope review prior to competing a task order solicitation; such a review shall be taken as guidance and not a determination. The 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 the HCaTS Program website, via email to [hcatsdirect@opm.gov](mailto:hcatsdirect@opm.gov), and through OPM's HCaTS Direct Help Desk at 202-606-1637.

### 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

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<sup>13</sup> [OMB Memorandum for Chief Acquisition Officers and Senior Procurement Officers](#), October 27, 2009

contract type, the Contractor shall identify both Prime and Subcontractor labor using the 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:

<b>Degree</b>	<b>Experience Substitution</b>	<b>Experience and Degree Substitution</b>
Bachelor's Degree	Six years of relevant work experience may be substituted for a Bachelor's Degree	Associate's Degree plus four years of relevant work experience may be substituted for a Bachelor's Degree
Master's Degree	12 years of relevant work experience may be substituted for a Master's Degree	Bachelor's Degree plus eight years of relevant work experience may be substituted for a Master's Degree
Doctorate Degree	20 years of relevant work experience may be substituted for a Doctorate Degree	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

OCO's shall evaluate any identified deviations from the HCaTS definitions of Junior, Journeyman, Senior, and Subject Matter expert. 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.

For parts of the requirement that the Contractor proposes cannot be completed by an HCaTS Program LCaT, the Contractor will identify it as an ancillary support service or



ODCs separately. The Contractor is encouraged, but not required to, map these ancillary labor categories to a BLS SOC. 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, and
- Expertise and qualifications required by the specialized labor category, and
- Duties to be performed by the specialized labor, and
- Segment of the statement of work that the specialized labor will perform with references to statement of work sections, and
- 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, and
- 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, and
- The BLS SOC occupation that maps, if 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 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 the HCaTS Program Contract Sections B.2.5. In accordance with that same section, the 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, time and material or labor hour 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 and/or the enterprise may be used at the OCO's discretion and shall be considered ancillary. The 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.

### **Evaluation Factors**

In accordance with *FAR Section [16.505](#)*, "*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 Contractor, respectively.*"

### **Developing the Solicitation**

Use the solicitation form and/or format for task orders normally prescribed and 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. Its use 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](#)*.

Certain information particular to using the HCaTS Program shall be included, emphasized, and/or highlighted. all task order solicitations shall be requests for proposals (RFPs) and shall provide the following information at a minimum:

- Pool Number solicited under (include contract vehicle), and
- Assigned NAICS Code, and

- SOW/PWS/SOO, and
- Type of service(s) (commercial and/or non-commercial), and
- Contract Line Item Information (CLIN structure), and
- Evaluation factors, and
- Source selection procedure
- Contract type(s), and
- Period of performance, and
- Place of performance, and
- Proposal due date, and
- Proposal instructions, and
- Other pertinent information (for example: agency clauses, optional clauses, etc).

### **Clauses and Provisions**

The HCaTS Program Contracts Sections I.1 establish that all applicable and required provisions/clauses set forth in FAR [Section 52.301](#) automatically flow down to all HCaTS task orders, based on their specific contract type (e.g. cost, fixed price etc), statement of work, competition requirements, commercial or non-commercial, and estimated dollar value.

The OCO shall identify in the task order solicitation whether FAR [Part 12](#) commercial clauses/provisions are applicable. The OCO must also identify any optional, and/or agency provisions/clauses for each individual task order solicitation and subsequent award. For optional and/or agency provisions/clauses, the OCO shall provide the provision/clause Number, Title, Date, and fill-in information (if any), as of the date the task order solicitation is issued.

### **Rights in Data**

The following Rights in Data Clauses are incorporated into the 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. *Rights in Data* is a highly specialized area and OCOs should seek advice from qualified professionals on these issues to ensure the proper clause is in effect for their 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 the HCaTS Program

Contract Sections G 3.1. The HCaTS Program has a CAF of 2%. The total CAF amount shall be proposed as a separate and distinct CLIN for the base year(s) and each option period, if applicable. The OCO shall establish a separate and distinct CAF CLIN in all task order awards for the base year(s) 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>, or
- Sending via email to all Pool Contractors, or
- 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. Contractor contact information is located at <http://www.gsa.gov/hcats> under the "Who is on HCaTS?" subheading. The OCO shall send the appropriate HCaTS Program CO their task order solicitation upon issuance.

#### **Contractors in Dormant Status**

The HCaTS Program Contract terms allow the HCaTS Program COs to place Contractors in Dormant Status while they develop corrective measures for the 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. If a sole source procurement is being conducted, the OCO should check with the HCaTS PMO prior to releasing their requirements to determine if the contractor is in dormant status. The 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**

Cancellation of a task order solicitation is at the discretion of the OCO. The OCO should document the cancellation decision rationale and communicate the rationale with the affected Contractors. Send all notices of cancellation to the respective 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.

### Price

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

### Task Order Award Documentation

Document task order awards in accordance with regulation and agency policy.

### 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<sup>14</sup>. If exception (A) (urgency-unacceptable delay) is 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; or
- 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

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<sup>14</sup> Reference FAR [Paragraph 16.505\(b\)\(2\)\(ii\)\(D\)](#)

Contractors and ensure that they are afforded a fair opportunity for consideration in the award of task orders consistent with the procedures of HCaTS SB, and (2) To review an HCaTS SB CO decision to place a Contractor in Dormant Status and/or Off-Ramp them from the contract vehicle (see HCaTS Program Contract Sections H.25 and H.26). GSA has appointed Ms. Millisa Gary, Federal Acquisition Policy Division, as Ombudsman. Her contact information is: e-mail: [GSAIndustrySupport@gsa.gov](mailto:GSAIndustrySupport@gsa.gov), address: 1800 F Street NW Room: 2nd Floor, Washington DC 20405-0001.

**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 the applicable HCaTS Program CO.

FPDS-NG must accurately reflect the requirements ordered and the task order solicitation procedures used against the HCaTS Contract. The FPDS-NG Data Element Dictionary (Version 1.4 dated June 22, 2016) defines each system input. Follow the most current version, if an update supersedes the version listed here.

An agency will only get proper credit for an award, if the FPDS-NG report accurately reflects the appropriate values in fields related to award data.

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 the HCaTS Program Contract was awarded under. This may be different from the NAICS Code the task order was awarded under.

<b>HCaTS Pool</b>	<b>Predominant NAICS Code</b>
1	611430 Professional and Management Development Training
2	541612 Human Resources Consulting Services

<b>HCaTS SB Pool</b>	<b>Predominant NAICS Code</b>
1	611430 Professional and Management Development Training
2	541612 Human Resources Consulting Services

## **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.

Monitoring of Contractor performance or any other specific administrative or technical requirement may be delegated by the OCO to a Contracting Officer's Representative (COR) in accordance with *FAR Paragraph 1.602-2(d)*. The specific authority/limitations of the COR should be delineated in an appointment letter, a copy of which should be provided to the Contractor.

### **Reporting Modifications in FPDS-NG**

All task order modifications must be reported in FPDS-NG.

### **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(s).

At a minimum, the OCO shall be responsible for evaluating final Contractor performance upon task order completion. Interim performance evaluations may be conducted as prescribed by the agency's procedures on any task order with a period of performance exceeding one year.

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.

The 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*. If the task order is administered by another office, FAR *Subsection 4.804-2* shall be used. If other agency regulatory supplements exist, they should be followed first. 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*.

For cost reimbursement and time-and-material task orders, the OCO is encouraged to utilize FAR *Section 42.708* to the maximum extent practicable. The OCO has the authority to negotiate settlement of indirect costs in advance of the determination of final indirect cost rates if the task order is physically complete and the amount of unsettled indirect cost to be allocated to the task order is relatively insignificant. A determination of final indirect costs under quick-closeout procedures shall be final for the task order it covers and no adjustment shall be made to other task orders for over- or under-recoveries of costs allocated or allocable to the task order covered by the agreement. Issue a bilateral modification once the agreement for a quick-closeout is reached to close out the task order.



## APPENDIX A: HCaTS Program Pools

The HCaTS Program Pools 1 and 2 contain multiple NAICS Codes. FAR *Paragraph 19.303(a)* requires the Ordering Contracting Officer (OCO) 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 the 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:

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

POOL 2: \$15M SIZE STANDARD	
NAICS Code	NAICS CODE TITLE
541611	Administrative Management and General Management Consulting Services
<b><u>541612</u></b>	<b><u>Human Resources Consulting Services</u></b>
541613	Marketing Consulting Services
541618	Other Management Consulting Services
611710	Educational Support Services

## APPENDIX B: SAMPLE DPA

MEMORANDUM FOR:           Ordering Contracting Officer (OCO)

FROM:                   **HCATS SB** Contracting Officer  
[sbhcats@gsa.gov](mailto:sbhcats@gsa.gov)

**HCATS** Contracting Officer  
[hcats@gsa.gov](mailto:hcats@gsa.gov)

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 the HCaTS and HCaTS SB Contracting Officers (COs) and the OCO are clearly established in order to ensure proper use of the 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. The HCaTS Program COs will evaluate the compliance of HCaTS and HCaTS SB contractors against the master contract terms. The 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 the 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 the HCaTS or HCaTS SB terms and conditions, the 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 the HCaTS PMO. However, you must notify the 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. The 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 the 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 the 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, the HCaTS Program contract vehicles, or our program in general, please feel free to contact the HCaTS PMO at any time.

For more information about the HCaTS Program Contracts, please visit our website at [www.gsa.gov/HCaTS](http://www.gsa.gov/HCaTS). You will find links to copies of the HCaTS and HCaTS SB contracts and other useful information, including various points of contact.