



# IPS BPA Ordering Procedures

Ordering Period: September 1, 2015 – August 31, 2020

## **Introduction**

Thank you for choosing the Identity Monitoring Data Breach Response and Protection Services (IPS) governmentwide Federal Supply Schedule (FSS) Multiple Award Blanket Purchase Agreement (BPA).

The IPS BPAs provide identity monitoring data breach response and protection services including data breach analysis services, credit monitoring services, identity monitoring services, identity theft insurance, identity restoration services, as well as website services and call center services. The requirements were developed by a federal interagency working group with representatives from the Office of Management and Budget, Office of Personnel Management, Department of Defense, Department of Homeland Security, Federal Trade Commission, and GSA.

The IPS BPAs were awarded to General Service Administration (GSA) Multiple Award Schedule (MAS) Contract holders with Schedule 520 Financial and Business Services (FABS) Special Item Numbers (SINs) 520-16, 520-17, 520-18, 520-19, and 520-20. Contractors awarded under Schedule 70 General Purpose Commercial Information Technology Equipment, Software and Services SIN 132-51, Information Technology Professional Services were able to participate as a Contractor Team Arrangement (CTA) team member to provide a total solution.

## **BPA Structure**

The IPS BPAs were awarded to Contractors with two tiers of experience.

- Tier 1 – Contractors with experience in responding to data breaches impacting populations of significant size. The benchmark for significant size was 21.5 million individuals.
- Tier 2 – Includes Contractors with general experience in providing routine data breach responses.

Tier 1 Contractors are automatically included in Tier 2. Ordering Contracting Officers (OCOs) have the discretion to compete task orders (TOs) under either Tier.

The IPS BPAs are in effect for five years unless the BPA is cancelled or expires. A BPA expires when the Contractor's GSA MAS contract, which the BPA is predicated upon, expires. Orders can be issued only against active BPAs. Orders issued will have their own period of performance. Orders issued prior to but not completed before the BPA expires shall be completed (including any order options exercised) in accordance with the BPA Contractor's GSA Schedule contract FAR Clause 52.216-22.

There is no maximum on the total dollar value of orders that can be placed under the BPAs. The BPAs were awarded under Full and Open competition.

## Resources

Online resources supporting the use of the IPS BPAs are available at <http://www.gsa.gov/ipsbpa>. Available resources include: copies of the BPAs and a list of the teams who were awarded BPAs.

GSA elibrary website is available at <http://www.gsaelibrary.gsa.gov/ElibMain/searchResults.do?searchText=ips+bpa&searchType=allWords&x=0&y=0>

The Strategic Sourcing website is available at <https://www.gsaadvantage.gov/advantage/search/specialCategory.do?cat=ADV.SS&group=18#18>

## Who is this Guide written for?

This guide describes the ordering process for agency users, highlighting procedures specific to the IPS BPAs. It is written for warranted Federal OCOs considering or intending to use the IPS BPAs. The Guide addresses contracting issues and concepts unique to the IPS BPAs. It does not address general contracting issues or concepts unless necessary for complete understanding. The Guide presumes the OCO is familiar with [FAR 8.405-3\(c\)\(2\)](#) duties.

## Roles and responsibilities

GSA is responsible for the administration and management of the IPS BPAs. Among the responsibilities GSA will meet are:

- Monitor and evaluate performance against the BPA requirements
- Review, approve, and incorporate Security Plan changes
- Have exclusive, non-delegable rights to modify the BPA
- Provide advice and guidance to ordering/requiring activities and OCOs regarding procurement-related matters
- Conduct Meetings with Contractors as necessary

Ordering Activity Responsibilities:

- Define TO requirements
- Prepare Statement of Work (SOW)/Performance Work Statement (PWS) for task order Request for Quote (RFQ)
- Fund requirements
- Apply regulatory and statutory requirements applicable to the ordering agency

- Assist OCO with quote/proposal evaluation
- Assist OCO with performance monitoring and appraisal

## Authorized Users

Any warranted Contracting Officer from [authorized users of the Schedules program](#), within the scope of their delegated procurement authorities, may place orders against the BPA(s).

## BPA Terms and Conditions

In the event of any conflict between the Schedule contract and the BPA, the terms and conditions of the Contractor's Schedules shall prevail over the BPA's and TOs, except to the extent that any discounts established in the BPA take precedence over Schedule 520 FABS, 00CORP, or IT70 higher prices.

Ordering activities may add non-conflicting terms and conditions to individual orders, to include specific agency terms and conditions. Additionally, any clauses incorporated at the TO level required for small business set-aside orders shall be applicable to that order even if those clauses have not been incorporated to the GSA contract -- the allowance for such clauses at the TO level is a term and condition of this BPA.

The terms and conditions of the BPA apply to all orders placed pursuant to it. In the event of any conflicts between the terms and conditions of the BPA and TOs, the terms and conditions of the BPA will take precedence.

## General Ordering Procedures

### Step 1 – Acquisition Planning

Orders against MAS contracts and BPAs are not exempt from Acquisition Planning as prescribed in FAR Part 7.

Conduct market research for your requirement in accordance with regulation as you would do with any procurement. As part of sound market research, the ordering activity shall review the BPA terms and conditions, BPA contract holders, and pricing incorporated into the BPA. The ordering activity shall chose one Tier in which to compete an order based on market research findings and the agency's requirements.

Important considerations in developing your acquisition plan include:

#### Which IPS BPA Tier to Use

Which tier to use will depend on the determination made in the acquisition planning process as to the types of services required (data breach analysis services, credit monitoring services,

identity monitoring services, identity theft insurance, identity restoration services, as well as website services and call center services). While Contractors in each tier can provide these services, determining whether to compete the order RFQ under Tier 1 or Tier 2 is at the discretion of the OCO and may depend on the size of the breach and number of impacted individuals.

#### Pricing

Subject to FAR and Agency level required consideration criteria, limitations, and/or prohibitions, you may use any appropriate order type. These include:

- Firm Fixed-Price (FFP)
- Time-and-materials (T&M)
- Labor-Hour (LH)

Any order not issued on an FFP basis must be justified in accordance with [FAR 8.404\(h\)\(3\)](#).

#### Determine SIN(s)/CLIN

The IPS BPAs all contain SINs 520-16, 520-17, 520-18, 520-19, and 520-20. The SINs each align to a Contract Line Item Number (CLIN) as shown below:

Business Information Services, SIN 520-16 = CLIN 003A

Risk Assessment and Mitigation Services, SIN 520-17 = CLIN 001

Independent Risk Analysis Services, SIN 520-18 = CLIN 002

Data Breach Analysis Services, SIN 520-19 = CLIN 003

Comprehensive Protection Solutions, SIN 520-20 = CLIN 004

The OCO must choose the SINs applicable to the requirements based on the BPA SOW.

#### Assign a NAICS Code

The principal purpose of the BPA, and services that were procured through it, are aligned with three North American Industrial Classification System (NAICS) codes including:

- 561450 – Credit Bureaus (SIN 520-16)
- 541990 – All Other Professional, Scientific and Technical Services (SINs 520-17 & 20)
- 561611 - Investigation Services (SINs 520-18 & 19)

The OCO must assign a NAICS code to each task order RFQ using one of the three NAICS codes shown above. An OCO cannot assign a NAICS code that differs from the three shown. The size standard applicable to your task order is determined by the NAICS code selected from

the three above. **The NAICS code assigned should reflect the principal purpose of the work required under the task order.**

The NAICS code you assign will not necessarily be the same code assigned to the task order award report in the Federal Procurement Data System – Next Generation (FPDS-NG). This is due to the current FPDS system limitation which defaults all orders to the NAICS code assigned at the MAS contract level.

#### Task order funding and funding limitations

All task orders are subject to any agency funding appropriation limitations.

#### Task order duration

The period of performance for each task order awarded under the IPS BPAs shall be specified in the task order by the ordering activity. Order RFQs may only be issued and awarded against existing BPAs. An order cannot be awarded against a BPA that has expired even if the order RFQ was issued and closed prior to the BPA expiration.

Orders issued will have their own period of performance. Orders issued prior to but not completed before the BPA expires shall be completed (including any order options exercised) in accordance with the BPA Contractor's GSA Schedule contract FAR Clause 52.216-22.

#### Minimum and maximum order limitations

Each BPA holder's MAS contract contains FAR clause 52.216-19 Order Limitations. The minimum order limitation dollar value is \$100.00. The maximum order limitation dollar value is \$1 million. This limitation has no practical effect on MAS contracts for services as each order is awarded via an RFQ. A Contractor who does not wish to perform on an order above the maximum order limitation would simply not quote on that order. Thus, there is no maximum per order limitation under the IPS BPAs.

### **Step 2 – Define the Requirements and Develop the RFQ**

The ordering activity shall follow the ordering procedures at FAR [8.405-3\(c\)](#) for orders under multiple award BPAs.

- a. Develop a statement of work (SOW) in accordance with (IAW) FAR [8.405-3\(c\)\(3\)](#). The SOW must include a description of the work to be performed; location of work; period of performance; deliverable schedule; applicable performance standards; and any special requirements (e.g., security clearances, travel, etc.).
- b. Ensure the requirements fit within the scope of the BPA.
- c. The ordering activity may include agency specific regulations/terms and conditions in the TO that do not conflict with the GSA FSS (Federal Supply Schedule) contract or the BPA terms and conditions.

- d. The ordering activity shall ensure all internal reviews (e.g. legal review) as required by ordering activity policies have been completed.
- e. The ordering activity may utilize the FAR 51 deviation available at [www.gsa.gov/far51deviation](http://www.gsa.gov/far51deviation) for T&M/LH orders.
- f. Use the RFQ form and format normally prescribed and used by your agency for task order RFQs, consistent with [FAR 8.405-3\(c\)\(2\)](#) orders under multiple award BPAs.

### **Step 3 – Issue the RFQ**

To ensure fair opportunity IAW FAR [8.405-3\(c\)\(2\)](#), the suggested method for issuing the Task Order RFQ is to utilize GSA eBuy ([www.gsa.gov/ebuy](http://www.gsa.gov/ebuy) reference FAR [8.402\(d\)](#)).

The OCO must request a discount on any order with an estimated value exceeding the simplified acquisition threshold (reference FAR 8.405-4).

The RFQ, including the SOW and evaluation criteria, shall be provided to all teams awarded in the chosen Tier.

The ordering activity shall only accept quotes via the BPA Level Team Lead. The BPA Level Team Leads are available at <http://www.gsa.gov/ipsbpa>.

- a. The quote shall be submitted by the BPA Level Team Lead even if the BPA Level Team Lead will not be performing as a CTA member on that particular Task.
- b. The quote will specify which member is performing as the TO Level Team Lead (which may or may not be the BPA Level Team Lead). The quote will also state which CTA members are performing and their respective dollar value of performance to satisfy the requirements of the TO. Reference BPA Part I BPA Terms and Conditions section 6.0 for information on CTAs.
- c. Only CTA members established in the BPA CTA can be named as awardees in the TO. Forming new CTAs at the TO Level that include CTA members outside the established BPA CTA is not permitted. Reference Part I BPA Terms and Conditions section 6.0 for information on CTAs.

### **Step 4 – Evaluate Quotes**

OCOs shall evaluate all responses received based on the methodology stated in the task order RFQ to maintain fairness in the ordering process and mitigate protest risk.

The ordering activity is responsible for considering the level of effort and the mix of labor proposed to perform a specific task being ordered, and for determining that the total price is reasonable. Place the order with the schedule Contractor that represents the best value (see FAR [8.404](#)(d) and [8.405-4](#)).

### **Step 5 – Award the Task Order**

Document your task order award in accordance with regulation and local policy. At a minimum, all orders shall include the following information:

1. Complete shipping and billing addresses
2. BPA number
3. Agency order number
4. Discount terms (if applicable)
5. Period of performance
6. Special item numbers (SINs)
7. A statement of work
8. Number of units (if applicable)
9. Unit price (if applicable)
10. Total price of order

Submit a copy of the Task Order Award to the IPS BPA Contracting Officer (CO) within 5 days after award.

Order actions must be reported in the Federal Procurement Data System (FPDS) within 3 days after execution of the action. It is important that each IPS BPA task order is reported as a “BPA Call” against the correct IPS BPA number for the IPS BPA CTA member leading the task.

#### Small Business Set-Aside Ordering Procedures

1. Orders may be set-aside for small business IAW FAR [8.405-5](#).
2. Follow the IPS BPA Ordering Procedures stated above in addition to the following:
  - a. Review the size status of the BPA Contractors on GSA E-library (go to [www.gsaelibrary.gsa.gov](http://www.gsaelibrary.gsa.gov), enter the GSA (not BPA, but GSA FSS) contract number to review the current size status).
  - b. Review the team members' size status for those team members that cover the BPA CLINs needed. If fewer than three different BPA holders (from three different teams) are shown to be a small business (or the socioeconomic status contemplated in the set-aside), then the order cannot be set-aside without a limited sources justifications IAW FAR [8.405-6](#). At this time, since there are only two awards (one Contractor and one CTA) under Tier 1, you cannot set aside orders under Tier 1. However, all



companies awarded under Tier 1 are small businesses, so there is no need to set-aside the order.

- c. While the BPA Level Team Leads are the ones who are provided the RFQ and coordinate the quotes, only a small business (or the socio-economic status contemplated in the set-aside) CTA member can be awarded on the TO. BPA Level Team Leads who are Large Businesses have been instructed to respond to set-aside RFQs with a cover letter stating they cannot be named as an awardee in the TO and will attach a quote from the small business CTA member who will be named TO Level Team Lead for that TO.
  - d. A BPA CTA Small business member TO Level Team Lead can include other small business BPA CTA members in response to a TO RFQ.
  - e. A BPA CTA small business member TO Level Team Lead may subcontract within the limits of FAR [52.219-14](#) Limitations on Subcontracting for TOs set-aside for small business. Refer to Part I BPA Terms and Conditions section 6.0 for subcontracting details.
3. Any BPA holder who is a large business (or a small business who does not meet the socioeconomic status designated in the set-aside) cannot be named as an awardee (performing either as a TO Level Team lead or CTA member) for TOs set-aside for small business. This does NOT preclude them from performing as a subcontractor within the limits of FAR [52.219-14](#) Limitations on Subcontracting for TOs set-aside for small business. Refer to Part I BPA Terms and Conditions Section 6.0 for subcontracting details.

#### **Step 6 - FPDS Recording Procedures**

- CTA's pose unique challenges to purchase order systems. While all CTA members of a particular Team are a party to that BPA, only ONE FSS contract number can be associated with ONE unique BPA number from a system perspective. Due to this system limitation, all CTA members have been assigned a unique BPA number. This does NOT mean each CTA member has a standalone BPA. Each member has its own unique BPA number for Federal Procurement Data System (FPDS) recording purposes only.
- Currently, to enable the recording of an FSS order against an FSS BPA, it must be recorded in FPDS as a "BPA Call" against a BPA. It is critical that the Call be recorded against the FSS BPA number and NOT the FSS Contract number.
- In regards to orders performed by a CTA, issue the BPA Call against the BPA number for the CTA member leading the TO.

## **Step 7 – Administer the Order/Execute the Work/Close-Out the Order**

- The ordering activity shall be responsible for administering the resulting TO.
- The ordering activity 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 procedures for preparation, review, and submission of performance reports.
- Report all task order modifications to the IPS BPA CO within 5 days after a modification.
- Task order files shall be closed out in accordance with FAR Subpart 4.804-1 or, if the task order is administered by another office, 4.804-2. The procedures prescribed in 4.804-5 shall be used except when it is appropriate to use the quick closeout procedures in FAR Subpart 42.708.