U.S. General Services Administration

Small Business Governmentwide Acquisition Contracts Ordering Guide

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Ordering Guide Overview

This ordering guide is intended to help ordering agencies, particularly contracting officers, effectively use the Small Business GWACs to deliver best value. It is divided into three Parts:

Part I – General Information, applicable to all of the current GSA Small Business GWACs,

Part II – GWAC Specific Information, and

Part III – Appendices

This Ordering Guide is not a stand-alone reference - it is recommended that the reader also become familiar with the GWAC Contracts. This Ordering Guide may be revised from time to time. Updates to this publication, when they occur, will be available online at http://www.gsa.gov/gwac.

Additional information available to assist ordering agencies in using the GWACs is available online at http://www.gsa.gov/gwac; this site includes links to the individual GWAC websites where a copy of each basic contract, an industry partner listing and other useful information can be found. Questions concerning this guide should be directed to a GWAC Procuring Contracting Officer (PCO) identified in Part III - Appendix II.

This Ordering Guide refers to Orders and Task Orders interchangeably, both of which are defined by the definition of task order in FAR 2.101, where task order means “an order for services placed against an established contract or with Government sources.” Delivery orders as defined in FAR 2.101 are not within the scope of GSA Small Business GWACs.

Part I – General Information

Introduction

The General Services Administration (GSA), Federal Acquisition Service (FAS), Office of Information Technology Category (ITC), Small Business Governmentwide Acquisition Contracts (GWAC) team (see Appendix II) awarded and supports a diversified portfolio of pre-competed, multiple-award GWACs awarded to small business firms encouraging their success and movement into unrestricted acquisition environments. These industry partners specialize in providing innovative, information technology (IT) services and IT services-based solutions to federal agencies worldwide. The GWACs managed by the team are 8(a) STARS II, 8(a) STARS III, Alliant Small Business and VETS 2.

Our goal is to streamline procuring IT Services for our federal customers through:

- *Access to high-quality industry partners*
- *Pre-competed, multiple award contracts*
- *Shortened procurement lead time*
- *Limited protestability*
- *Socioeconomic credit through FPDS-NG reporting*
- *Customer-focused staff with expertise in small business technology contracts*
- *Scope compatibility reviews of prospective orders and modifications*
- *Market research and capabilities support*
- *Identical labor categories for all industry partners on each contract*

Scope

A GWAC is defined as a task-order or delivery-order contract for information technology (IT) established by one agency for governmentwide use that is operated by an executive agent designated by the Office of Management and Budget (OMB) pursuant to 40 U.S.C. 11302(e). GWACs were established pursuant Section 5112(e) of the Clinger-Cohen Act and are not subject to the Economy Act.

In a June 6, 2008 memo, the OMB emphasized the numerous benefits interagency acquisitions have, including: economies of scale, contract efficiencies, and leveraging resources. Small business GWACs are in concert with OMB's stated policy on interagency contracting. Ordering under an OMB approved GWAC ***is presumed to be in the Government's best interest***.

Ordering from the Small Business GWACs

Access to the Small Business GWACs

Orders are awarded by warranted contracting officers who have received a written, GSA-issued Delegation of Procurement Authority (DPA), making them Ordering Contracting Officers (OCOs.) OCOs can work for their own agency or on behalf of another, as described below:

1. **Direct Acquisitions.** Under this scenario, the customer agency is responsible for its own order acquisition and program management activities.

2. **Assisted Acquisitions.** In this scenario, the customer agency elects to have an assisted acquisition organization provide order acquisition and/or program management services. The scope and terms

of the assisted acquisition support are coordinated between the customer agency and the assisted acquisition organization agency.

NOTE: Agency contracting officers should follow agency policy regarding any additional justification required, such as why the contract vehicle is best suited for the acquisition and the cost effectiveness of the acquisition.

Eligible Ordering Activities

GSA Order OGP 4800.2I order provides definitions and listings of agencies and other activities authorized to use GSA sources of supply and services. It also provides definitive guidelines concerning eligibility requirements.

Organizations authorized in GSA Order OGP 4800.2I, may use the GWACs covered by this ordering guide.

GSA Order OGP 4800.2I can be found at: http://www.gsa.gov/portal/content/104212

Delegation of Procurement Authority (DPA)

Federal contracting officers who wish to issue or administer orders on a GSA Small Business GWAC must receive applicable overview training and DPA, making them Ordering Contracting Officers (OCOs.) The training provides an overview of key GWAC features, while the DPA establishes OCO & GWAC PCO responsibilities. The DPA delineates between those OCO responsibilities derived from the OCO's warrant and those originating in the DPA itself.

It is a best practice for a DPA to be in place before a GWAC opportunity is competed[1]. A DPA is required prior to issuing and administering orders. While a DPA can only be granted to warranted federal contracting officers, all individuals on the acquisition team are encouraged to participate in DPA training.

While failure to follow the DPA requirement is not a violation of law or regulation, it unnecessarily increases procurement risk.

Overview Training

There are various ways to receive the DPA training:

1. **Defense Acquisition University (DAU) Online Courses**

   Continuous Learning Point (CLP)-certified GSA GWAC courses are available at www.dau.mil. You can select a specific GWAC course or the combined GSA GWACs' course:

   - FAC 071 GSA VETS 2 GWAC
   - FAC 087 GSA GWACs for IT Services-Based Solutions(8(a) STARS II, VETS 2 and Alliant 2)

2. **Webinar, Teleconference, Video Teleconference**

[1] See 8(a) STARS II Specific information in Part II of this ordering guide for exception.

To start the process of scheduling teleconference training, each contracting officer wanting delegation must submit the following information to the sbgwac@gsa.gov:

1. Agency name, bureau/command name (if any), individual(s) full name, street address, e-mail address, phone number and fax number, and
2. Names of other individuals who may be participating in the contract overview training but not seeking delegation.

After receipt of this information, a GSA associate will contact the requestor(s) to schedule the overview training. This training will take approximately one hour and may offer CLP credit.

3. On-site for Large Groups of Contracting Officers and IT Program Officials

Please contact the Small Business GWAC Division for details at sbgwac@gsa.gov or (877)327-8732.

4. Review of Small Business GWAC Ordering Guide

A thorough review and understanding of the Small Business GWAC ordering guide will also satisfy the training requirement. A current version of the Small Business ordering guide can be found at www.gsa.gov/gwac. Since the ordering guide is subject to change, please check back periodically for updates.

5. YouTube Training (8(a) STARS III)

This self-paced video series allows contracting officers to familiarize themselves with 8(a) STARS III ordering procedures and request a DPA after completing the training series. This training provides flexibility as it allows contracting officers an independent, self-paced method of learning. The 8(a) STARS III DPA training may be accessed at https://www.youtube.com/watch?v=Jrd47ddyUag or from the 8(a) STARS III homepage.

Requesting a DPA

Once the overview training has been completed, the final step is to request a DPA. To initiate the request, please visit the Delegation of Procurement Authority section of the website found at www.gsa.gov/gwacdpa, complete and submit the DPA Request Form. A GSA representative will typically respond within 24 hours.

DPA Portability

Should an OCO change US federal agencies the DPA does not transfer. In that circumstance the OCO should e-mail delegations@gsa.gov to request a new DPA be issued reflecting the OCO's new organization. Retaking the overview training is not required.

If an OCO leaves federal employment or a task order is reassigned, the OCO should e-mail delegations@gsa.gov to inform GSA. In that notice it would be helpful, when known, to identify the successor OCO.

Order Types

Authorized order types[2] available under the Small Business GWACs are:

1. Fixed-Price Family (FAR 16.2)
2. Time & Materials (FAR 16.6)
3. Labor Hour (FAR 16.6)
4. Cost-Reimbursement (FAR 16.3) ***Not available on 8(a) STARS III***
5. Hybrid blends of the above types
6. Incentives tied to the above order types (FAR 16.4)

Time & Materials and Labor Hour

If not using Fixed-Price Order Type, FAR 16.601(d)(1) requires contracting officers to document the rationale which applies to other Order Types. The determination and findings required by FAR 16.601(d)(1)(ii) requires a higher level of review - please check agency guidance for the required level of review and approval.

Hybrid Blends

Some orders may have work containing a combination of contract types (e.g., Fixed-Price, Time & Materials and Labor Hour). The OCO is responsible for identifying the applicable order type(s) and making the order terms clear within the RFQ/RFP and resulting order.

Incentive

The OCO must evaluate and determine the appropriateness of all incentive terms, develop a surveillance plan to implement and monitor an Award-Fee, Incentive-Fee, or Award-Term results in accordance with FAR 15.4 and FAR 16.4.

Cost-Reimbursement

NOTE: The Cost-Reimbursement section applies to Alliant Small Business and VETS 2. Cost-reimbursement task orders are not allowed on 8(a) STARS II or 8(a) STARS III.

Cost reimbursement (CR) contracting is a highly specialized area necessitating the OCO and the ordering agency to address the gamut of responsibilities associated therewith.

Because CR contracts provide industry partners with no direct incentive to control costs, implementation should be carefully planned and managed. OCOs should consider the risks assumed by the government as a result of using CR contracts and document both 1) those risks and 2) how they will be mitigated and managed.

[2] See FAR 16.104 for factors in selecting contract types

OCOs should determine the adequacy of the government resources to properly plan for and administer a CR procurement and identify action plans to minimize the use of other than firm fixed-price contracts on future acquisitions for the same requirement [See, for instance, FAR 16.103(d)(1) and FAR 16.301-3(a)(4)]

A cost reimbursement contract may be used only when

1. FAR 16.104 and FAR 16.301-3 have been addressed, and
2. A written acquisition plan has been approved at the applicable level, in which FAR 16.103(d)(1) should be addressed.

Contractor Cost Accounting Systems

OCOs should not assume all industry partners currently possess an adequate cost accounting system. OCOs can explore which industry partners have adequate cost accounting systems through market research before a task order request is issued.

OCOs must verify the adequacy of an industry partner's cost accounting system prior to awarding any cost reimbursement task order.

Reference the specific contract sections below for additional information on Industry Partner Cost Accounting Systems.

Cost Evaluation

The OCO must determine cost allowability, allocability and realism, and also must analyze and negotiate fee for all CR orders. Refer to FAR 15.305(a)(1), FAR 15.404-1 and FAR 16.3.

Forward Pricing Rate Agreements (FPRA)

FPRA and provisional billing rates (PBR) are not maintained by the GWAC contracting officer. Requests for existing FPRA and/or PBR may be made by the OCO of the industry partners. It is typical for OCOs to require industry partners to build their cost proposals using their latest FPRA or PBR, whichever is most current, and to provide evidence from a cognizant auditing agency/activity.

OCOs may work with cognizant auditing agencies/activities for new FPRA and/or PBR.

Incurred Cost Audits

As mentioned above, OCOs and ordering agencies are responsible for the gamut of cost reimbursement contracting responsibilities, including incurred cost audits and for reconciling those results with applicable PBR or FPRA.

Order Process

The OCO is responsible for acquisition planning and conducting due diligence. The process to award a task order can be configured to agency needs, provided it is consistent with the terms and conditions of the GWAC, customer agency policy, and the ordering procedures at FAR 16.505.

It is recommended that OCOs keep submission requirements to the necessary minimum to promote competition. Once a DPA is granted, the OCO follows their internal process for planning, funding the requirement, gaining any necessary approvals and documenting the Order.

The Order process may be represented in seven steps:

Step 1: Plan the Acquisition

Per FAR 16.505 (a)(8), orders issued under a task order or delivery order contract awarded by another agency (i.e., a GWAC or multi-agency contract) **are not exempt from the development of acquisition plans in accordance with FAR 7 and FAR 39**. When developing the acquisition plan, the competition requirements in FAR 6 and the policies in FAR 15.3 do not automatically apply to the ordering process. FAR 16.505 instructs regarding task order source selection.

The total estimated life cycle value of a procurement including options should be considered in developing an acquisition strategy. Tasks shall not be split to avoid threshold limitations. The basic task and any modifications must stay within the GWAC's and the Order's scope.

In accordance with FAR 19.303(a)(2), the contracting officer shall select the NAICS (North American Industry Classification System) code which best describes the principal purpose of the product or service being acquired. A procurement is usually classified according to the component which accounts for the greatest percentage of contract value.

Step 2: Define Requirement and Develop Task Order Request

Investing sufficient time and effort up front to write clear, high-quality requirements provides the government a baseline for the development of other parts of the task order request, particularly the evaluation criteria and proposal instructions. Clearly defined requirements facilitate a more accurate Government estimate and more accurate budgeting. In addition, clearly defined requirements help industry to better understand agency requirements and needs – thereby facilitating more accurate costs or pricing and higher quality proposals. Potential post award benefits include minimizing the need for change orders and modifications, better assessment criteria for measuring industry partner performance, and reducing claims and disputes.

Performance Based Service Acquisition

Performance-Based Service Acquisition (PBSA) is an acquisition structured around the results to be achieved as opposed to the manner by which the work is to be performed.

Pursuant to FAR 37.601, performance-based contracts for services shall include:

(1) A performance work statement (PWS);
(2) Measurable performance standards and the method of assessing contractor performance against performance standards; and
(3) Performance incentives where appropriate.

Develop the Task Order Request

A task order request may be in the form of a RFP or RFQ and the OCO should be familiar with the process differences associated with each. A task order request must include a work statement,

evaluation factors suitable for the instant requirement, contract type, price or cost instructions, period and place of performance, closing date/deadline, applicable instructions and other information (e.g., agency specific clauses, cyber-security requirements, etc.) applicable to the work effort.

Price or cost must be an evaluation factor for all task orders.

Evaluation factors other than price or cost should be limited to meaningful discriminators. In order to reduce administrative costs and time for both the industry partner and government, it is a best practice to provide clear instructions for proposal preparation and to keep submission requirements to the necessary minimum. This facilitates increased competition and reduced procurement lead times, enabling industry partners to provide more innovative solutions at better prices. As previously mentioned in the acquisition planning topic, above, the competition requirements in FAR 6 and the policies in FAR 15.3 do not automatically apply to the ordering process. FAR 16.505 instructs about task order source selection.

Provision and Clause Configuration

Provisions and clauses supplementing the FAR, which are prescribed and included in authorized agency acquisition regulations, may be added in task order requests so long as they are not inconsistent with the basic contract's terms. Refer to FAR 52.101(b)(2)(i)(A-C). The OCO is responsible for clearly identifying the applicable provision and clause configuration in task order requests.

Step 3: Optional Scope Compatibility Reviews for Prospective Orders

GSA offers ordering agencies (typically ordering contracting officers) an opportunity to utilize the no-cost scope compatibility review service for the Small Business GWACs. This quality assurance measure has been made available for those federal agencies that would like assistance in determining overall scope fit of a prospective requirement, or modification to an existing order, on a Small Business GWAC.

Ordering agencies may request scope compatibility reviews at any time during the acquisition process and are encouraged to do so prior to competing order opportunities or entering into directed order negotiations. To get started review "Request an Optional Scope Review" on the GWAC website at www.gsa.gov/gwacscopereview and follow the instructions. To be effective, the required documentation must be submitted when requesting the review.

Step 4: Issue Task Order Request

Competitive Task Orders – Provide Fair Opportunity to be Considered

The Small Business GWACs were awarded using competitive procedures resulting in multiple awards. Unless an exception applies, all orders with an estimated value expected to exceed the micropurchase threshold are to result from a fair opportunity to be considered per FAR 16.505(b)(1).

In accordance with FAR 16.505(b)(1)(iv), for task or delivery Orders in excess of **$6,000,000**, the contracting agency's obligation to provide "a fair opportunity to be considered" is not met unless all industry partners are provided the following:

1) A notice of the Order that includes a clear statement of the agency's requirements,

2) A reasonable period of time to provide a proposal in response to the notice,

3) Disclosure of the significant factors and sub factors, including price or cost, which the agency expects to consider in evaluating such proposals, and their relative importance,

4) In the case of an award that is to be made on a best-value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors, and

5) An opportunity for a post-award debriefing if timely requested.

The government may disseminate RFI/RFQ/RFPs via GSA's e-Buy at www.gsa.gov/ebuy, email, fax, commercial mail carrier or other electronic means as prescribed by the OCO's agency. Synopsis in the government point of entry (GPE) is not generally required or recommended under indefinite-delivery contracts, but may be required for specialized appropriations. OCOs should use a method of disseminating task order requests that establishes receipt, and not just transmission. GSA's e-Buy is one such system.

The following pertain to all task orders:

1. Evaluation criteria will be established in the RFQ/RFP (price or cost will always be a criterion), pursuant to FAR 16.505 with the aim of achieving best value. FAR Part 15 evaluations are not required; however, if a FAR Part 15 task order request process is not intended, it is a best practice to state that in your RFQ/RFP. FAR 16.505(b)(1)(ii) provides great latitude in designing a streamlined evaluation methodology (e.g., multi-phased approach), and we encourage utilizing that latitude in ways which are reasonable for your requirements,

2. Past experience may be evaluated at the prime or the subcontractor level depending on Ordering agency needs,

3. Past performance was a criterion for basic contract award. OCOs may again use past performance as an evaluation criterion for task orders,

4. Either tradeoff or lowest price technically acceptable[3] processes are valid best value methods authorized for task order source selection,

5. Oral presentations may be implemented, and

6. The OCO may evaluate quotations and proposals without discussions and should make that a clear expectation in the task order RFQ/RFP. If the OCO intends to award using a methodology that includes discussions, that should be clearly identified in the task order RFQ/RFP.

Directed Orders/Sole Source Orders

APPLICABLE TO 8(a) STARS III GWAC. See 8(a) STARS III specific information in Part II of this ordering guide.

Exceptions to Fair Opportunity

Some acquisitions, though infrequent, may require an OCO to utilize a fair opportunity exception. Any exception to the fair opportunity process must be consistent with FAR 16.505(b)(2)(i). If an exception to

[3] Consider Sec 880 of FY2019 National Defense Authorization Act, Pub.L.115-232

the fair opportunity process is used, OCOs must ensure that justification, approval, and posting requirements[4] are completed in accordance with FAR 16.505(b)(2)(ii). These are the only exceptions:

1. The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

2. Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized,

3. The Order must be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an Order already issued under the contract, provided that all awardees were given a fair opportunity for the original Order,

4. It is necessary to place an Order to satisfy a minimum guarantee (reserved for the GWAC PCO),

5. For Orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source, and

6. In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in FAR 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in FAR 19 apply. When considering use of this authority, See also SBA's final rule 85 FR 66146 effective November 16, 2020

7. For DoD, NASA, and the Coast Guard, the order satisfies one of the exceptions permitting the use of other than full and open competition listed in 6.302 (10 U.S.C. 2304 c(b)(5)). The public interest exception shall not be used unless Congress is notified in accordance with 10 U.S.C. 2304(c)(7)

Streamlined/Multi-Phased Task Order Competitions

A multi-phased approach is a streamlined evaluation process that may be used to save time and resources for the industry partner and the government. There are several benefits to a streamlined multi-phased approach, such as reducing the time and resources expended in the competition, lowering proposal preparation costs, and improving the exchange of information between the government and the offerors. Regardless of the approach chosen, all industry partners must be afforded a fair opportunity to be considered, requiring a full understanding of FAR 16.505.

Various multi-phased approaches are feasible. A best practice is outlined below and consists of two phases:

Phase One

1. Develop a preliminary RFQ or RFP that includes salient characteristics of the specific requirement (e.g., work synopsis, cyber security needs, security clearance needs, specialized information, certifications required, deliverables, response requirements, etc.) and discloses the general basis on which selections will be made. Orders exceeding $6,000,000 must disclose the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating proposals, and their relative importance

[4] See Appendix VI in Part III of this ordering guide

1. Instruct industry partner to inform the OCO of their affirmative interest in the competition by the date shown in the preliminary RFQ or RFP or they will not be included in phase two. Include a statement that a non-response in the affirmative will constitute an opt-out,
2. Establish a response deadline that makes sense for phase one, understanding that the bid/proposal effort for phase one is typically minimal for the industry partners. A few days will typically suffice, and
3. Transmit the preliminary RFQ/RFP to the industry partners to determine their interest in the competition, permitting them to opt-in or opt-out of phase two. GSA's e-Buy is recommended, which will allow the OCO to include only the chosen GWAC's industry partners and provides proof that that it was posted. Industry partners are responsible for monitoring e-Buy and keeping their information current.

2. Maintain a record of the preliminary RFQ or RFP transmittal, evidence of receipt and responses in the order file to document use of fair opportunity procedures. Using E-Buy provides a high degree of assurance that fair opportunity to be considered has been provided.
3. The OCO must include all of the industry partners that have indicated interest in further consideration/opted-in for phase two, but not those which did not respond in the affirmative under phase one.

Phase Two

Please ensure that all industry partners which opted-in during Phase One receive a copy of the RFQ or RFP in Phase Two. Historically, this process reduces the number of proposals by targeting in Phase Two only those industry partners that have researched their current capabilities and availability. It also provides useful acquisition planning/logistical/milestone information. GSA's eBuy is not recommended for Phase Two as it does not allow restriction to a sub-set of the industry partners.

Step 5: Evaluate Proposals

OCOs should evaluate proposals based on criteria stated in the task order request and follow FAR 16.505.

Price Evaluation

The OCO is responsible for completing and documenting price reasonableness consistent with FAR 15.4.

The Contract Access Fee (CAF) is 0.75% to be applied to the total price for industry partner performance as billed to the government on each task order. Industry partners are accountable to remit required CAF to GSA. For VETS 2 and 8(a) STARS III, ordering contracting officers should include and industry partners shall identify CAF as a separate CLIN within their proposals.

Fixed Price

The OCO must determine fair and reasonable pricing for all Fixed-Price orders in accordance with FAR 15.4 and FAR 16.2. OCOs may find the competitive T&M and LH prices in the applicable GWAC to be useful in developing government estimates.

Time & Materials and Labor Hour

The competitive, fully burdened, ceiling rates on the individual basic contracts are very useful pricing references for OCOs to incorporate into their price analysis for T&M and/or LH orders. This ceiling pricing is available on the individual GWAC websites.

The OCO is responsible for considering the place of performance, level of effort, and the mix of labor proposed to perform a specific task being ordered, and for determining that the total price for the task order is appropriate given the requirements and task order type.

Since negotiation and/or competition for orders may result in lower pricing, ceiling rates are not to be accepted by OCOs automatically as verbatim order prices. The OCO should review order prices in accordance with FAR 15.4, FAR 16.601 and FAR 16.602.

When specialized labor category requirements not included in the baseline requirements of the established GWAC pricing apply that increase the cost of performance, e.g. specialized security clearances, OCOs may allow industry partners to exceed established pricing. If this is planned by the OCO it can be accounted for in the task order request instructions by requiring industry partners to explain and justify in their task order quotes or proposals any rates that exceed those in the basic contract. To that end, OCOs may require other than cost or pricing data in support of each rate that exceeds a basic contract rate to include, for example, a rate cost element breakdown in accordance with the industry partner's accounting system, as well as any other supporting information the OCO deems necessary.

There are various payments clauses applicable to T&M or LH service procurements. The OCO should ensure that the applicable payments clause(s) is clearly cited and configured in each order RFQ/RFP and resulting task order. The FAR prescription for use and customer agency guidance on choice of germane payments clause and its configuration provides sufficient detail for the OCO to complete this responsibility. Please refer to Appendix IV for additional guidance regarding the implementation of FAR 52.232-7, Payments under T&M and LH Contracts.

Incentives

The OCO must evaluate and determine the appropriateness of all Incentive terms and develop a surveillance plan to implement and monitor an Award-Fee, Incentive-Fee, or Award-Term result in accordance with FAR 15.4 and FAR 16.4. OCOs considering incentives are reminded of their obligations under FAR 1.602-2.

Cost Reimbursement

The OCO must determine cost allowability, allocability and realism and also must analyze and negotiate fee for all CR orders. Refer to FAR 15.4 and FAR 16.3.

Step 6: Task Order Award Documentation, Debriefings and Protests

Award Documentation

FAR 16.505(b)(7) -- Ordering, addresses that the OCO shall document in the Order file the rationale for placement and price of each Order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision. The Order file shall also identify the basis for using an exception to fair opportunity in accordance with FAR 16.505(b)(2) – Exceptions to the Fair

Opportunity Process. The document supporting the award should be sufficiently detailed to clearly explain why the industry partner was selected for award.

Task orders may be issued on any federal agency authorized form and be distributed by mail, fax or e-mail. Oral Orders are not authorized. In accordance with the delegation of procurement authority, one copy of the task order and any subsequent modifications, along with a copy of the SOW/PWS/SOO, shall be sent to GSA via email[5]

Claiming Socioeconomic Credit in FPDS-NG

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Ordering agencies and third party assisted contracting services are required to report all orders greater than the micropurchase threshold in FPDS-NG, www.fpds.gov in accordance with FAR 4.603. Proper reporting ensures socioeconomic credit will be received.

The current FPDS-NG user's guide is currently at www.fpds.gov.

Announcement of Award

Announcement of task order award to all competing offerors is strongly encouraged when a fair opportunity to be considered is provided, especially for awards greater than $6,000,000. It is generally not necessary to announce task order awards in. As previously mentioned, use of a fair opportunity exception may require posting (FAR 16.505(b)(2)(ii)(D)). Please provide a copy of awards to the GSA in accordance with the DPA.

Debriefing

In accordance with FAR 16.505(b)(6), debriefings consistent with FAR 15.506, or authorized customer agency supplement, are required when timely requested for Orders greater than $6,000,000. Debriefings for Orders less than $6,000,000 are also encouraged, but are not required.

Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) procedures increase the opportunity for relatively inexpensive and expeditious resolution of issues in controversy. These procedures may be used at any time that the OCO has authority to resolve the issue in controversy. If the industry partner submits a claim, ADR procedures may be applied to all or part of the claim. When ADR procedures are used after the issuance of an OCO's final decision, the time limitations or procedural requirements for filing an appeal of the OCO's final decision are not altered.

Task Order Level Protest

In accordance with FAR 16.505(a)(10), no protest under $10,000,000 is authorized in connection with the issuance or proposed issuance of an Order under a Task-Order Contract or Delivery-Order Contract, except for a protest on the grounds that the Order increases the scope, period of performance, or maximum value of the Contract. The Government Accountability Office (GAO) has exclusive jurisdiction over any Civilian Contract protests greater than $10,000,000.

Ombudsman

[5] See Appendix II in Part III of this ordering guide.

The GSA task and delivery order Ombudsman shall review and resolve complaints from contractors concerning all task and delivery order actions made by GSA. Complaints regarding task and delivery order actions of other agencies using GSA contract vehicles shall be directed to the ordering agency's Task-Order and Delivery-Order Ombudsman.

For task and delivery orders issued by GSA, contact information for the GSA Ombudsman can be found at: http://www.gsa.gov/ombudsman.

Step 7: Administer and Closeout the Task Order

Quality Assurance – Industry Partner Surveillance

The OCO is responsible for assuring that industry partner performance meets the minimum requirements established in the task order, documenting the task order file and communicating with the industry partner to ensure the government is receiving the contracted services. If industry partner performance monitoring is delegated to a Contracting Officer Representative (COR) or Contracting Officer Technical Representative (COTR), the specific authority/limitations should be documented in accordance with FAR 1.602-2(d) and a copy provided to the industry partner.

Reporting Past Performance

At completion of order performance, and annually for orders with a period of performance exceeding one year, the OCO is required by FAR 42.15 to complete a past performance record for the prime contractor at the thresholds identified at FAR 42.1205(c) or in Agency Guidance. Customer agencies participating in the Integrated Acquisition Environment have established a Governmentwide past performance platform relying upon CPARS as a feeder system to PPIRS.

Reporting and Task Order Closeout

The DPA provides details about the reporting expectations for OCOs. It is the OCO's responsibility to close out Orders per FAR 4.804. Please provide a copy of close out actions to the GSA in accordance with the DPA.

Other Ordering Considerations

Telecommunications and Video Surveillance Services or Equipment

Telecommunications and Video Surveillance Services or Equipment Effective August 13, 2020; both the 8(a) STARS II and VETS 2 GWACs were modified to update FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. Contract holders who have accepted the modification can be found at the applicable GWAC Websites. For task orders awarded prior to that date, Ordering Contracting Officers should follow their agency guidance concerning the need to modify any existing task orders.

For task orders awarded prior to October 1, 2019, Ordering Contracting Officers should follow their agency guidance concerning the need to modify any existing task orders to include FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

Potential Organizational Conflicts of Interest

If a task order request might create a potential or actual conflict of interest, the OCO should identify the potential or actual conflict and decide if a remediation approach is available which mitigates the risk or if other appropriate action is necessary consistent with FAR 9.5. The OCO will routinely work with their agency legal counsel on such matters.

If an OCO discovers a potential or actual conflict of interest after task order issuance, the OCO should conduct due diligence and determine if the waiver discussed at FAR 9.503 is warranted and take appropriate action.

Industry Partner Responsibility – Task Order Level

Overall responsibility has been determined for each GWAC industry partner per FAR 9.1. However, in accordance with FAR 9.405-1, OCOs shall complete and document a review of active exclusions (SAM.gov) on industry partners they intend to award task orders to prior to making each task order award.

Task Order Funding

Funding for each order shall be at the order level. Incremental funding strategies may be used when consistent with customer agency policy. OCOs should ensure that funding supporting order work is appropriate for the type and range of contemplated work. All orders are subject to funding agency appropriation guidelines.

Assuring IT Services are the Principal Purpose of Every Task Order

For a current definition of IT, see FAR 2.101. If your requirements include any of the following, a complimentary advance scope compatibility review is highly recommended. (http://www.gsa.gov/gwacscopereview)

- Business Process Re-engineering
- Call Centers
- Construction
- Contingency Planning
- Data Entry
- Equipment Inventory and Maintenance
- Physical Security
- Non-IT Professional Services
- Software Licensing/Software License Management

Travel

For questions regarding travel on 8(a) STARS II task orders, refer to the contract at Section I, paragraph 15. For questions regarding travel on 8(a) STARS III task orders, refer to the contract at Section B.9. For questions regarding travel on Alliant Small Business task orders, refer to the contract at Section B.8. For questions regarding travel on VETS 2 task orders, refer to the contract at Section B.11.

Not Allowed on the Small Business GWACs

This is not an exhaustive list, but does illustrate some key matters:

- Orders for which IT services are not the principal purpose,

- Renting/ Leasing – an industry partner, as a private party, may enter into rental or lease agreements for real or personal property in order to fulfill order requirements as a service, but the government will not be a signatory to such agreements,
- Letter Contracts, Blanket Purchase Agreements, or Indefinite Delivery/Indefinite Quantity type arrangements
- Oral orders, and
- Orders for which supplies or software/hardware are the principal purpose.

Commercial Supplier Agreements

The basic contract vehicles include clauses to protect ordering activities from some common elements within Commercial Supplier Agreements (CSA) that conflict with or are incompatible with federal law. These clauses include 552.212-4 Contract Terms and Conditions-Commercial Items (FAR Deviation), 552.232-39 Unenforceability of Unauthorized Obligations, and 552.232-78 Commercial Supplier Agreements - Unenforceable Clauses. The OCO is permitted to further negotiate CSA terms and conditions so long as negotiations do not yield task orders that conflict with the terms of the basic contract vehicle.

Cyber Security Considerations

Cyber Security requirements have the basic contract clause baseline. Further requirements may be built into the task order work statement and clauses by the ordering agency.

Security Clearance Considerations for Classified Task Orders

Security clearance requirements will be dictated by agency needs. Before issuing an RFI, RFQ or RFP for a classified order, a determination should be made by the ordering agency as to whether or not access to anything classified will be required during the task order request process. Appropriately cleared personnel should manage work requiring clearance.

When Access is Required during Task Order Request Process

All prospective industry partners which may receive the RFI, RFQ or RFP must possess the appropriate facility clearance, safeguarding capability and personnel security clearance in order to access the task order request package. This may be determined by checking their credentials.

When Access is NOT Required during Task Order Request Process

Prospective industry partners do not have to possess facility clearances, safeguarding capability and personnel clearances to receive or review the RFI/RFQ/RFP.

Requests and task orders should specify if facility security clearance granted by a cognizant security agency[6] is required, and the highest required facility security clearance level. If the

[6] There are four different cognizant security agencies, the Department of Defense, the Department of Energy, the Central Intelligence Agency, and the Nuclear Regulatory Commission

customer agency prefers or requires clearances from a particular cognizant security agency, it should be stated in the task order request.

Requests and task orders should specify if SENSITIVE COMPARTMENTED INFORMATION, TOP SECRET, SECRET, or CONFIDENTIAL industrial personnel security clearances granted by a cognizant security agency are required. Unless the requiring activity has a bona-fide reason for precluding interim personnel security clearances, they should be considered equivalent to non-interim.

Requests and task orders should specify if cognizant security agency cleared safeguarding is required and the highest required level. The safeguarding level should not exceed the facility security clearance level.

Subcontracting

FAR Clause 52.219-14, Limitation on Subcontracting, covers subcontracting considerations. All contract holders are responsible for managing the balance of workload being performed under their contract(s). This requirement is monitored at the Master Contract level. However, when deemed necessary by the OCO, limitations on subcontracting may be incorporated at the task order level.

While it is reasonable small business industry partners may manage capacity building through subcontracting with other companies to provide scalability in the early stages of performance on large task orders, it is a best practice to require industry partners to disclose the amount of work they intend to perform with their own resources in order quotations and proposals. Industry partner team arrangements, in the form of prime contractor-subcontractor relationships, may be desirable from both a government and industry standpoint in order to enable the companies involved to complement each other's unique capabilities and offer the government the best combination of performance, cost, and delivery for the service being acquired.

OCO consent to subcontract may be implemented in accordance with FAR 44.2 and FAR 52.244-2. OCOs may require subcontractor responsibility determinations of prospective subcontractors per FAR 9.103(b) and 9.104-1. When consent to subcontract is an order level requirement only OCO consent is required, and not GWAC PCO consent.

See the GWAC-specific information in Part II for more subcontracting considerations for small business GWACs.

Order Duration

For each Small Business GWAC, the basic contract ordering period is one five-year base period with one five-year option period. See the contract for specifics.

The term for each task order placed under the basic contract shall be specified in the individual task order, and subject to limits identified in each contract regarding order duration.

Task orders may be awarded during the Contract Ordering Period (COP). Task orders may not be issued outside the COP.

Use of an exception to a fair opportunity to be considered IS NOT A CONTRACT OPTION as contemplated by FAR 17.2, it is a new order subject to award during the COP.

Awarded task order duration is not dependent upon the basic contract's ordering period. This means that an OCO can exercise a task order option period even if the basic contract's ordering period is complete. OCOs are required to document that task order options are in the best interest of the government consistent with FAR 17.207 and any authorized customer agency supplement.

When citing options in an order, the price or cost for the performance of the work must be established and evaluated in the initial order, including building in price or cost for any use of FAR 52.217-8.

Specific order duration guidelines for the individual GWACs are addressed in Part II of this ordering guide and in the basic contracts online at their respective websites.

Task Order Size Rerepresentation

FAR 52.219-28, Post Award Small Business Program Re-representation, addresses size re-representation under long term contracts such as the Small Business GWACs. However, OCOs have the discretion to require a re-representation of the industry partner's size status as a condition of task order award. If an OCO intends to require a task order level size re-representation as a condition of task order award, they should explicitly make that assertion in the task order request by following the guidance in Appendix V.

Additional business size considerations are addressed in the GWAC specific information in Part II of this ordering guide

Task Order Request Cancellation

Cancellation of a task order RFQ/RFP is at the discretion of the OCO. RFQ cancellation requires minimal justification while RFP cancellation may be necessary and justified for any or all of the three (3) reasons listed below (drawn from best practices in case law), and it is a good practice for the OCO to document the cancellation decision rationale and have the cancellation decision approved pursuant to OCO agency policy:

- Services are no longer required, or are significantly changed;
- All offers received are at unreasonable prices, or only one offer is received, and the OCO cannot determine the reasonableness of the price;
- For other reasons, cancellation is clearly in the public's interest.

Service Contract Labor Standards

The Small Business GWACs labor categories are considered bona-fide executive, administrative, professional labor and generally exempt from the Service Contract Labor Standards (SCLS). To the extent that any labor is subject to the SCLS and within scope of a task order and the individual GWAC, the OCO must identify such work under a separate CLIN on the task order and apply wages in accordance with FAR 22.10.

The GWACs do not include all applicable flow-down clauses for labor categories subject to the SCLS. Each task order must be tailored to include the appropriate clauses.

Wage Rate Requirements (Construction)

OCOs are reminded that the IT services must be the principal purpose of each task order. The OCO shall ensure the compatibility of appropriations.

To the extent that construction, alteration and repair are subject to the Wage Rate Requirements (Construction) and within scope of a task order and the GWAC, the OCO must identify such work under a separate CLIN on the task order and apply wages in accordance with FAR 22.404. Any construction, alteration and repair shall be firm fixed price, even if other aspects of the task order are another type.

The GWACs do not include all applicable flow-down clauses for labor categories subject to the Wage Rate Requirements (Construction). Each task order must be tailored to include the appropriate clauses.

Rights in Data

Rights in Data is a highly specialized area. The OCO should ensure that the applicable Rights in Data clause(s) is clearly assigned in each task order request and resulting task order.

Pre-Award EEO Clearance

EEO Clearance was obtained prior to award of the master contracts in accordance with FAR 22.805.

Rights Reserved by the GWAC PCO

Only GWAC PCOs are authorized to modify basic contract terms and conditions and authorize DPAs. OCOs may not transfer DPA.

Part II – GWAC Specific Information

8(a) STARS II GWAC

The 8(a) STARS II GWAC ordering period ended on August 30, 2021. Please refer to **Order Process, Step 7: Administer and Closeout the Task Order** (Page 19), for the administration and/or closeout of current task orders.

For questions specific to the 8(a) STARS II GWAC Team, please contact us at S2@gsa.gov. See also www.gsa.gov/8astars2.

8(a) STARS III GWAC

The 8(a) STARS III GWAC (STARS III) is a competitively awarded, multiple-award, indefinite-delivery, indefinite-quantity contract. STARS III was authorized under the provisions of Section 8(a) of the Small Business Act 15 U.S.C. 637(a), and supports both competitive orders per FAR 16.505 and sole source orders per FAR 19.8. STARS III resulted from a competitive 8(a) procurement, which was offered to and accepted into the SBA 8(a) program, therefore competitive orders do not have to be offered and accepted into the 8(a) program, and all STARS III awardees are eligible to compete and be awarded those task orders. See below for further information about handling sole source orders.

Note: in accordance with 13 CFR 124.504(d) and FAR 19.815, 8(a) STARS III task orders are 8(a) awards

STARS III enables federal agencies to fulfill mission requirements and, at the same time, assists in meeting or exceeding socioeconomic goals through the utilization of businesses which were both certified and verified as eligible 8(a) program participants by the SBA. Federal agencies may earn applicable socioeconomic procurement preference credits that each industry partner possesses.

STARS III is an eight-year contract, consisting of one five-year base and one three-year option period, affording the opportunity for industry partners to develop and create sustainable businesses. STARS III has a maximum contract life cycle value of $50 billion.

Scope

STARS III provides Federal agencies with IT services and IT services-based solutions, both commercial and non-commercial, as defined in the Clinger-Cohen Act and FAR 2.101. IT services-based solutions can be tailored to meet an agency's particular mission needs and may include new and emerging technologies that evolve over the life of the contract. The principal nature of any resulting Order must be for IT services; however ancillary support may be included when it is integral to and necessary for the IT services-based solution. Services may be performed at Government and/or Contractor locations worldwide, as specified in each Order. Provisions and clauses that supplement the FAR, which are prescribed and included in authorized agency acquisition regulations, may be added at the order level so long as they do not conflict with the basic contract. OCOs are responsible for clearly identifying the applicable

provision and clause configuration in order solicitations. Refer to FAR 52.101(b)(2)(i)(A-C) for examples of provisions and clauses.

The geographical scope of coverage is worldwide, and organizations authorized by GSA ORDER OGP 4800.2I, Eligibility to use GSA Sources of Supply and Services (and any future versions) may use the STARS III GWAC. In the context of STARS III, IT services encompasses requirements having a principal purpose/core work grounded in IT services NAICS including, but not limited to 541511, 541512, 541513, 541519 and 518210. The primary NAICS for this contract is 541512.

STARS III's scope generally provides flexibility at the order level to include ancillary support that the government determines to be integral to, and necessary for, the IT services-based solution. STARS III's scope is agile and will automatically keep pace as IT evolves.

In addition to the primary 8(a) STARS III scope area, STARS III includes two focused sub-areas to accommodate emerging technology and OCONUS requirements: See section C.2 of the contract for additional information.

- Emerging Technology Sub-area (Sub-Area 1)- This sub-area provides for IT services-based solutions which involve emerging technology (ET) innovation to securely accelerate transformation and advance mission outcomes. A task order requirement (TOR) fits in this subarea if it includes IT services-based solutions with ET as the focus.

  ET can be understood as evolving state-of-the-art information technologies and their use in solutioning to improve and/or transform business processes and enhance mission delivery. ET includes those technologies that are not yet mature in the marketplace and have the potential for wide-spread adoption. These technologies are in the early stages of their life cycles and have been implemented by early adopters. Rather than specifying predetermined technology solutions, agencies considering ET are encouraged to succinctly focus on articulating in the TOR the business problems they face, e.g. through the use of a statement of objective approach.

- OCONUS Sub-area (Sub-Area 2)- This sub-area provides for IT services-based solutions to be performed outside the contiguous United States (OCONUS). A TOR can fit in this sub-area if the scope is primarily IT services and it includes performance in an OCONUS location. OCONUS work locations include the non-foreign work areas of Alaska and Hawaii, the Commonwealths of Puerto Rico, Guam and the Northern Mariana Islands and the territories and possessions of the United States (excluding the Trust Territories of the Pacific Islands) as well as foreign work areas (see section B.12 of the contract for additional information).

Contract Ordering Period and Order Duration

The ordering period for 8(a) STARS III began on July 2, 2021. The Master Contract ordering period is one five-year base period with one three-year option period.

Per FAR 52.217-9, the three-year option period is a unilateral government right and is not guaranteed.

	Master Contract Ordering Period							
	Base Ordering Period					Option Ordering Period		
Contract Year	1	2	3	4	5	6	7	8
Dates	7/2/21 -7/1/22	7/2/22-7/1/23	7/2/23-7/1/24	7/2/24-7/1/25	7/2/25-7/1/26	7/2/26-7/1/27	7/2/27-7/1/28	7/2/28-7/1/29

The period of performance (PoP) for each order issued against the Master Contract must be specified in the individual order. Orders may only be issued during the Master Contract ordering period. Under no circumstances will a new order be issued if the Master Contract is not in effect (i.e. expired, cancelled, or terminated).

8(a) STARS III Task Order duration	
Order Issue Date	**Order must be complete by**
7/2/2021-7/1/2026	7/1/2031
7/2/2026-7/1/2029	7/1/2034

Sole Source

STARS III allows for sole source orders under the 8(a) competitive threshold (FAR 19.805-1(a)(2)). The rationale at FAR 19.804-2(a)10, (i) or (ii), is relevant to sole source orders.

The 5th Fair Opportunity Exception, FAR 16.505(b)(2)(i)(E), is typically applicable to STARS III sole source orders. When documenting the exception justification in accordance with FAR 16.505 (b)(2)(ii), the statute authorizing sole source orders is the Small Business Act (15 U.S.C. 637(a).

Sole Source orders to Alaska Native Corporation (ANC)/Tribal Owned/Native Hawaiian Organization (NHO) 8(a) concerns

Although the 8(a) STARS III GWAC was awarded competitively, the competitive thresholds identified at 13 CFR 124.506[7] apply 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 order basis above the competitive threshold at FAR 19.805-1(a)(2). A STARS III order requirement 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 basis.

Offer and Acceptance

Agencies may identify a sole-source requirement for the 8(a) program, independently or through self-marketing efforts of an 8(a) participant. The ordering contracting office shall notify the SBA via offer letter. The offer letter should include the information in FAR 19.804-2(a). A sample offer letter and SBA district office information are included as an appendix to this ordering guide (see Appendix VII).

[7] https://www.ecfr.gov/current/title-13/chapter-I/part-124/subpart-A/subject-group-ECFRd1e9fd1d2f2a3ac/section-124.506

Sole source requirement offer letters should be forwarded directly to the district office that services the nominated 8(a) participant. We recommend you check their 8(a) profile on SBA's Dynamic Small Business Search (DSBS) for their latest SBA servicing office:

https://web.sba.gov/pro-net/search/dsp_dsbs.cfm.

SBA has many executed partnership agreements with federal agencies which represent the delegation of the SBA's 8(a) contract execution authority to streamline the contract execution process. Federal agencies without an executed partnership agreement must continue to process 8(a) contracts using the procedures of CFR § 124.508 and FAR § 19.8. Below is a link to the current partnership agreements:

https://www.sba.gov/document/support--sba-and-agencies-partnership-agreements

Upon receipt of the contracting officer's offer letter, SBA will determine whether to accept the sole-source requirement for the 8(a) program, if the NAICS code designation is suitable, and whether or not the requested STARS III awardee is eligible per the requirements of 13 CFR 124.503(c)(1). The acceptance timeframes are outlined in FAR 19.804-3, unless the agency has a partnership agreement with SBA, in which case they are spelled out in that. Be sure to request confirmation of receipt when submitting an offer letter to SBA to begin the clock.

Please note: If an 8(a) industry partner exits the SBA 8(a) program, the SBA might not accept the offering letter for a sole source requirement. However, the industry partner should remain eligible to compete for task orders.

Competitive Orders

Competition over the sole source threshold

Competitive requirements must be competed among all 8(a) contract holders in the selected scope area IAW 13 CFR 124.503(i)(1)(ii).

Competition under the sole source threshold

In order to do a competition under the competitive threshold and unless the SBA-agency partnership agreement provides an exception, the ordering agency must seek and receive approval from the SBA. The reference below is from 13 CFR 124.506(c).

> (a) Competition below thresholds. The Associate Administrator for Business Development (AA/BD), on a non-delegable basis, may approve a request from a procuring activity to compete a requirement that is below the applicable competitive threshold amount among eligible Participants.
>
> > (1) This authority will be used primarily when technical competitions are appropriate or when a large number of potential awardees exist.
> >
> > (2) The AA/BD may consider whether the procuring activity has made and will continue to make available a significant number of its contracts to the 8(a) BD program on a noncompetitive basis.

(3) The AA/BD may deny a request if the procuring activity previously offered the requirement to the 8(a) BD program on a noncompetitive basis and the request is made following the inability of the procuring activity and the potential sole source awardee to reach an agreement on price or some other material term or condition.

The current SBA AA/BD can be located at http://www.sba.gov/about-offices-content/1/2467.

Geographic Pricing Considerations

8(a) STARS III Pricing is based on 124 labor categories at either government or contractor sites. Master Contract maximum labor rates were established based on order performance in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA area as defined by the U.S. Office of Personnel Management (OPM). Ordering agencies may adjust labor rates on orders with a place of performance outside the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA area based on current geographic locality areas and differentials as published annually by OPM. These areas and rates are subject to change, please see section J-3 of the contract.

OCOs need to make a conscious planned choice on the locality ground rules they require industry partners to quote or propose upon for Established Labor Categories (those already priced in STARS III) when working with the time and materials and/or labor hour contract types.

Geographic Pricing Considerations	
Place of Performance Scenario	**Pricing Pathway for Established Labor Categories**
Single Place of Performance at the government site – or Multiple Places of Performance at government sites in the same locality	Government requires locality specific prices, and ceiling prices are shown next to quoted or proposed prices for comparison
Multiple Places of Performance at government sites in various localities	Government requires locality specific prices or blended rates reflecting the proportion of support in the various localities, and Ceiling prices are shown next to quoted or proposed prices for comparison
Performance not required at a government site	Government requires that quotes or proposals indicate from where the industry partners will service the requirements, and Ceiling prices are shown next to quoted or proposed prices for comparison

Changes in 8(a) Company Ownership and Termination from the 8(a) Program

Generally, 8(a) program termination is associated with changes in ownership of the 8(a) participant excluding it from continuing to receive 8(a) program benefits. SBA 8(a) regulations require current 8(a) program participants to report ownership changes to SBA, which parallels the notification of merger or acquisition to the contracting officer per FAR 52.219-28. SBA is vested with the authority to

determine if a current 8(a) program participant will or will not be terminated from the 8(a) program due to an ownership change.

- A STARS III industry partner who has an ownership change, and remains an active 8(a) program participant, will generally not have its STARS III contract cancelled or terminated by GSA. The practical impact being:

    1) Existing orders with the industry partner may continue,

    2) Pre-priced options on said existing orders may be exercised at the OCO's discretion, and

    3) New orders may be awarded, subject to other conditions, e.g. sole source offer-acceptance.

- A STARS III industry partner who has an ownership change, and does not remain an active 8(a) program participant, will be afforded the opportunity for a bilateral contract cancellation, or have its STARS III contract terminated by GSA. The practical impact being:

    1) Existing orders with the industry partner may continue, and

    2) Pre-priced options on said existing orders may be exercised at the OCO's discretion

Size Status

FAR 52.219-28 Post Award Small Business Program re-representation addresses size re-representation under long term contracts such as STARS III. The triggering events for size re-representation per FAR 52.219-28 on long term contracts such as STARS III, are in association with merger or acquisition and prior to the long-term contract's sixth year.

Effect of Merger and Acquisition

FAR 52.219-28 requires that the 8(a) STARS III industry partner report to a STARS III ACO within 30 days of a merger or acquisition whereupon size re-representation by the industry partner is required. If the industry partner re-represents as other than a small business concern, it is reclassified as such on STARS III and will be afforded the opportunity for a bilateral contract cancellation, and/or have its STARS III contract cancelled or terminated by GSA and 1-3 below apply.

1) Existing orders with the industry partner may continue,

2) Pre-priced options on existing orders may be exercised at the OCO's discretion but they will not provide socioeconomic credit, and

3) Generally no new orders may be awarded

Alternatively, if the industry partner re-represents as a small business concern and is still an active 8(a) program participant, refer to the section captioned "Changes of 8(a) Company Ownership and Termination from the 8(a) Program".

Alternatively, if the industry partner re-represents as a small business concern but has graduated or graduated early from the 8(a) program, contract novation regulations at FAR 42.12 apply. GSA will not support mergers with or acquisitions by non-8(a) program participants. The practical impact being:

1) Existing orders with the industry partner may continue,

2) Pre-priced options on existing orders may be exercised at the OCO's discretion but they will not provide socioeconomic credit, and

3) Generally no new orders may be awarded. However, it is possible at the OCO's discretion to award a new order IF the quote or proposal including responsive pricing was received by the OCO prior to the date of the merger or acquisition. Once GSA updates FPDS-NG with the results of the size re-representation, orders awarded under this exception will not receive socioeconomic credit.

Cybersecurity Maturity Model Certification (CMMC)

Ordering contracting officers may specify applicable CMMC requirements at the order level.

Other Cybersecurity & Supply Chain Risk Management (SCRM)

Ordering contracting officers may specify applicable cybersecurity and SCRM requirements at the order level. The 8(a) STARS III contract, attachment J-4, presents many of the possible, but does not limit, the cybersecurity and SCRM standards.

For questions specific to the 8(a) STARS III GWAC, please contact us at S3@gsa.gov.

Alliant Small Business GWAC

The Alliant Small Business (SB) GWAC ordering period ended on February 2, 2019. Please refer to **Order Process, Step 7: Administer and Closeout the Task Order** (Page 19), for the administration and/or closeout of current task orders.

For questions specific to the Alliant SB Team, please contact us at alliantsb@gsa.gov.
See also www.gsa.gov/alliantsb.

VETS 2 GWAC

The VETS 2 GWAC offers a unique contribution to the federal acquisition community as it's the only GWAC set-aside exclusively for Service-Disabled, Veteran-Owned Small Businesses (SDVOSB). VETS 2 is a ten-year (five-year base, with a five-year option) contract that has a maximum contract value of $5 billion. VETS 2 is designed to meet a variety of diverse agency IT requirements, including new and emerging technologies. VETS 2 also enables GSA to support the SDVOSB Procurement Program, while helping federal agencies achieve their socioeconomic goals and objectives.

Scope

The scope of the VETS 2 GWAC provides Federal agencies with customized IT services and IT services-based solutions, both commercial and noncommercial, as defined in the Clinger-Cohen Act and FAR 2.101. Customized IT services-based solutions, which can be tailored to meet an agency's particular mission needs, may include any combination of the IT services identified in Section C of the VETS 2 contract, including new and emerging technologies that evolve over the life of the Master Contract. The principal nature of any resulting task order procurement must be for IT services; however ancillary support may be included when it is integral to and necessary for the IT services-based effort. Services may be performed at Government and Contractor locations worldwide, as specified in each task order.

Examples of services available under VETS 2 include, but are not limited to:

- Data Management
- Information and Communications Technology
- IT Operations and Maintenance
- IT Security
- Software Development
- Systems Design
- New and Emerging Technologies

The primary NAICS Code for VETS 2 is 541512, but it does not delimit the scope. For scope refer to Section C of the basic contract.

Contract Ordering Period and Order Duration

VETS 2 Ordering Period and Order Duration		
GWAC	**First Day to Issue an Order**	**Last Day of Contract Base Period[8]**
VETS 2	2/23/2018	2/22/2023

Subcontracting Considerations

In accordance with the 13 CFR 125.6(b)(1), 13 CFR 125.15 and FAR clause 52.219-27 Notice of Service-Disabled Veteran-Owned Small Business Set-Aside, VETS 2 contractors are required to perform at least 50 percent of cost of personnel for master contract performance with their own employees or employees of other service-disabled veteran-owned small business concerns.

This requirement is monitored at the Master Contract level. However, when deemed necessary by the OCO, limitations on subcontracting may be incorporated at the task order level.

Specifying that VETS 2 contractors shall disclose the work they intend to perform with their own resources, with the resources of other SDVOSBs and with non-SDVOSBs is a best practice in task order solicitations which don't establish a SDVOSB participation evaluation factor.

Cost Reimbursement Orders

While most of the VETS 2 contractors have a cost accounting system that has been audited and determined adequate by DCAA or another Cognizant Federal Agency, only those contractors that hold a cost accounting system meeting these conditions may respond to cost reimbursement task order requests. An OCO that is willing to sponsor an audit may specify within the task order request that this requirement does not apply. For more information, refer to Sections B.8.2 and H.13 of the Master Contract.

OCOs must verify the adequacy of a contractor's cost accounting system prior to awarding any cost reimbursement task order.

Facility Clearance Requirements

While most VETS 2 contractors have Secret or Top Secret Facility Clearances, only those Offerors that hold the required facility clearance may respond to task order requests requiring a facility clearance. An OCO that is willing to sponsor a facility clearance can specify within the task order request that this requirement does not apply.

When required for a task order, an OCO must verify the contractor's facility clearance. When classified work is required on an individual task order, the Contract Security Classification Specification, (DD Form 254 or agency equivalent) will be issued to the Contractor by the requiring agency.

[8] Reference VETS 2 Contract Sections F.2 and F.3 for additional information concerning contract and task order period of performance.

VETS GWAC

The VETS GWAC contract ordering period ended on February 1, 2017. Please refer to **Order Process, Step 7: Administer and Closeout the Task Order** (Page 19), for the administration and/or closeout of task orders.

For questions specific to the VETS GWAC Team, please contact us at vetsgwac@gsa.gov.

Part III – Appendices

Appendix I – Roles and Responsibilities

GSA is designated by OMB to issue and administer the Small Business GWACs. With that designation, rests oversight. In addition to reviewing task order scope and addressing any scope incompatibility, GSA reports the following to the OMB:

- Statistics on fair opportunity ordering
- The number of task orders that include performance-based terms
- Task order types
- Competitive participation levels for task orders
- Exceptions to the fair opportunity
- Task order award values
- Socio-economic breakdown

Typical responsibilities for GWAC PCOs, requiring activities and OCOs are shown below, and are established in writing between the parties in a written GSA issued Delegation of Procurement Authority (DPA). A specimen DPA is available on the "Request a GWAC Delegation of Procurement Authority (DPA)" website at www.gsa.gov/gwacdpa.

GWAC PCOs

Award, administer, and oversee the GWACs, which include, but are not limited to:

- Have exclusive, non-delegable rights to modify basic contract terms and conditions
- Provide advice and guidance to Ordering/requiring activities, OCOs and Industry partners regarding scope and acquisition regulations
- Help Ordering/requiring activities understand how the Small Business GWACs can be used to meet IT requirements
- Provide delegation of authority training
- Conduct Meetings with GWAC industry partners
- Review Subcontract Reporting and Contract Level Reporting

Requiring Activity

- Defines task order requirements
- Prepares work statement for task order RFQs/RFPs
- Funds requirements
- Ensures IT capital planning when appropriate
- Assists OCO with quote/proposal evaluation
- Assists OCO with performance monitoring and appraisal

OCO

Award, administer and oversee the task orders, which include, but are not limited to:

- Serve as the default COR/COTR for orders (may re-delegate this in writing)

- Place order(s) per DPA terms
- May not modify the basic contracts
- Maintain focus on individual orders
- Provide for a fair opportunity to be considered per FAR 16.505
- Manage order administration
- Oversee and execute in-scope order modifications
- Resolve order disputes
- Ensure FPDS-NG reporting is completed
- Ensure all task orders and support information are forwarded to GSA timely
- Ensure past performance is completed in accordance with agency procedures
- Ensure all task orders are for IT services or IT services-based solutions
- Perform order close out

NOTE: Some of the responsibilities are attributed to the OCO's warrant/FAR-based responsibilities and federal funds stewardship, while others are attributed to the OCO's GWAC-based responsibilities.

Appendix II – GSA Small Business GWAC Contacts

Small Business Governmentwide Acquisition Contracts Team
U.S. General Services Administration
Federal Acquisition Service
Office of Information Technology Category
2300 Main Street
Kansas City, MO 64108
Toll free: 1-877-327-8732
Fax: 816-823-1608
Web: www.gsa.gov/gwac

Services Contracting Division 2, Branch B

Janna Babcock
VETS/Alliant SB/VETS 2 PCO
816-823-5320
janna.babcock@gsa.gov

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Contract Specialist
816-823-1626
eric.bowie@gsa.gov

Greg Byrd
Contracting Officer
816-823-4356
greg.byrd@gsa.gov

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Branch Chief
816-823-3346
misty.claypole@gsa.gov

Sue Cumpton
Contracting Officer
816-823-1930
sue.cumpton@gsa.gov

Mr. Jean Fluevog
Contracting Officer
STARS III PCO
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jean.fluevog@gsa.gov

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8(a) STARS II PCO
816-926-1387
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8(a) STARS III Business Management Specialist
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belinda.devore@gsa.gov

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VETS 2 Business Management Specialist
816-806-6892
valerie.carreno@gsa.gov

Lori Ginnings
8(a) STARS III Program Manager
816-823-1492
lori.ginnings@gsa.gov

Herman Lyons
8(a) STARS II Program Manager
816-823-2469
herman.lyons@gsa.gov

Stephen Triplett
Branch Chief
816-926-7245
steve.triplett@gsa.gov

Appendix III – References and Resources

Federal Acquisition Regulations
https://www.acquisition.gov/?q=browsefar

Federal Procurement Data System – Next Generation
https://www.fpds.gov/

Small Business Administration
http://www.sba.gov/

SBA 8(a) Business Development Program
http://www.sba.gov/8a

Local Resources at SBA
http://www.sba.gov/localresources/index.html

Section 508 Accessibility Standards
http://www.section508.gov/

GSAM-General Services Administration Acquisition Manual
https://www.acquisition.gov/?q=browsegsam

e-Buy
www.ebuy.gsa.gov

eLibrary
www.gsaelibrary.gsa.gov

Information Technology Solutions Shop (ITSS)
https://portal.fas.gsa.gov/group/aasbs-portal/itss-home

North American Industrial Classification System (2017 NAICS)
http://www.census.gov, or https://www.census.gov/eos/www/naics

Periodic Table of Acquisition Innovations
The government-wide acquisition knowledge management portal for innovative business practices and technologies.
https://www.fai.gov/periodic-table/?utm_medium=email&utm_source=govdelivery

System for Award Management
https://www.sam.gov

Appendix IV – Additional Guidance for Implementation of FAR 52.232-7

FAR 16.601(f) T&M Contracts requires contracting officers to use one of three provisions in solicitations (referred to as task order request in this ordering guide) contemplating the use of T&M or LH type contracts. To determine which provision is appropriate for a given order, OCOs should answer the following questions:

1. Does my requirement meet the FAR definition for a commercial item?

If yes, use FAR 52.216-31 T&M/LH Proposal Requirements—Commercial Item Acquisition. As the title of the provision implies, FAR 52.216-31 is used for commercial item acquisitions. In this scenario, an offeror must specify separate fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit for each category of labor to be performed by the offeror subcontractors, and or divisions, subsidiaries, or affiliates of the offeror under a common control.

2. If my requirement doesn't meet the FAR definition for a commercial item, is adequate price competition expected?

If adequate price competition is expected, use FAR 52.216-29 T&M/LH Proposal Requirements—Noncommercial Item Acquisition with Adequate Price Competition. As the title of the provision implies, FAR 52.216-29 is used for noncommercial item acquisitions when the OCO anticipates adequate price competition. FAR 15.403-1(c) provides the accepted standards for what constitutes adequate price competition.

In this scenario and pursuant to FAR 52.216-29(c), the offeror must specify fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit using:

(1). Separate rates for each category of labor to be performed by each subcontractor, the offeror, and for each category of labor to be transferred between divisions, subsidiaries, or affiliates of the offeror under a common control;

(2). Blended rates for each category of labor to be performed by the offeror including labor transferred between divisions, subsidiaries, affiliates of the offeror under a common control, and all subcontractors; or

(3). Any combination of separate and blended rates for each category of labor to be performed by the offeror, affiliates of the offeror under common control, and subcontractors.

NOTE: If authorized by ordering agency procedures, FAR 16.601(f) permits contracting officers to amend the provision to make mandatory one of the three approaches described above.

NOTE: For the Department of Defense, pursuant to FAR 52.216-29 with DFARS 252.216-7002, Alternate A, the offeror is required to only provide separate loaded hourly labor rates for prime contractor labor, each subcontractor, and/or each division, subsidiary, or affiliate. The offeror must specify whether each loaded hourly labor rate applies to the prime contractor, each subcontractor, and/or each division, subsidiary or affiliate.

3. My requirement doesn't meet the FAR definition for a commercial item and I don't expect adequate price competition. Which provision do I use?

Use FAR 52.216-30 T&M/LH Proposal Requirements—Noncommercial Item Acquisition without Adequate Price Competition. As a reminder, FAR 15.403-1(c) provides the accepted standards for what constitutes

adequate price competition. In this scenario, the offeror must specify separate fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit for each category of labor to be performed by the offeror, each subcontractor, and each division, subsidiary, or affiliate of the offeror under a common control.

Appendix V – Task Order Size Rerepresentation

Quality of service delivery and socioeconomic public policy (e.g., small business goals/socioeconomic credit) are key reasons why government customers use GWACs. Quality of service delivery is assured by the evaluation process required of industry partners to win a position on a GWAC, and also by the flexible customer-controlled order evaluation and award process during which customers control evaluations techniques designed to select an industry partner to fulfill their mission objectives.

In support of socioeconomic public policy, all industry partners on the GWAC were duly recorded as small business concerns in FPDS-NG at GWAC award, making them small businesses on the GWAC – a term of art that is beneficial for customers to know. However, as time passes, circumstances sometimes change for an industry partner whereby it is no longer considered a small business concern in general, and more limited circumstances can make an industry partner no longer considered a small business concern on a federal contract, whereupon the industry partner no longer provides any socioeconomic credit for new orders.

This matters, because in order to award an order to a small business on the GWAC that provides socioeconomic credit for new orders, the selected industry partner must not have had a change in circumstances to its small business status resulting in it becoming other than a small business on the GWAC.

What circumstances lead to a GWAC industry partner becoming other than a small business on the GWAC?

1) Merger or acquisition with or without novation - an immediate trigger that requires re-representation on the GWAC within 30 days, and subsequent re-coding as other than a small business concern per FAR 52.219-28 if the merged or acquired organization does not remain a small business concern.
2) Organic growth that, at the contract option, results in an industry partner not remaining a small business concern entering the 6th year of the contract, as a result of the size re-representation required for the contract option period.

How do I know if a GWAC industry partner remains a small business on the GWAC?

The Small Business GWAC Division maintains lists, presently in spreadsheet format, on the individual GWAC's website. Industry partner small business status is indicated on the list.

What regulations that govern these matters?

FAR 52.219-28	(www.acquisition.gov)
FAR Final Rule 74 FR 11821 & 14492	(www.gpoaccess.gov)
SBA Final Rule 71 FR 66434	(www.gpoaccess.gov)

As a government customer, what can I do to assure an order is awarded to an industry partner that is a small business on the GWAC?

Because there might be a slight lag between a company becoming other than small, and it fulfilling its obligation to report to GSA pursuant to FAR 52.219-28, which provides for such reporting to be slightly in arrears, the Division recommends OCOs not simply rely upon the information about industry partner size status maintained on the individual GWAC websites, and instead implement an Order Size Rerepresentation (OSR). Pursuant to SBA's regulatory framework, GAO and the Federal Court have upheld a procuring agency's authority to request size certifications with respect to particular orders. See LB&B Associates, Inc. v. U.S., 68 Fed. Cl. 765 (Fed. Cl. 2005); CMS Information Services, Inc., B–

290541, Aug 7, 2002, 2002 CPD ¶ 132. Accordingly, an OCO has the discretion to require a rerepresentation of the GWAC industry partners' size status as a condition of order award.

OSR Template

An OCO may incorporate the following OSR language into task order requests in order to require rerepresentation as a condition of order award:

Notice of Order Size Rerepresentation (OSR) at the Order Level

Offers are solicited only from <*insert GWAC name*> industry partners that have not rerepresented as other than small in accordance with FAR 52.219-28 Post-Award Small Business Program Rerepresentation. Those <*insert GWAC name*> industry partners having experienced an event that triggers the notification requirements contained in FAR 52.219-28(b)(1) or (b)(2), and are other than small as a result of said triggering event, are considered to be other than a small business concern for the purposes of this procurement regardless of whether the industry partner has fulfilled the rerepresentation notification pursuant to FAR 52.219-28.

Offers received from <*insert GWAC name*> industry partners that have rerepresented their size status as other than small under the <*insert GWAC name*>, or have had a triggering event and are not currently considered small business concerns under the <*insert GWAC name*> are not desired and shall be rejected as non-conforming with this OSR. The following representation must be completed and submitted with the offer.

I hereby represent that my company (check one) ____ has ____has not rerepresented itself as other than a small business concern under <*insert GWAC name*>, and (check one)____has ____has not experienced a triggering event pursuant to FAR 52.219-28 resulting in the company being other than a small business concern regardless of if notification of that circumstance has or has not been provided pursuant to the timetable established in FAR 52.219-28.

Appendix VI – Summary of Justification, Approval and Posting Requirements[9]

The following tables summarize FAR requirements for posting, fair opportunity, exceptions to fair opportunity, justifications for not providing fair opportunity, and justification approvals when placing orders under multiple-award contracts.

Per FAR 16.505(b)(2)(ii) justification and posting requirements are not required for orders citing FAR 16.505(b)(2)(i)(F) as their authority for an exception to fair opportunity.

POSTING REQUIREMENTS		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders exceeding $25,000 funded in whole or in part by the Recovery Act	Publish preaward notice "for informational purposes only" in the GPE	5.704 (a)(2) 16.505(a)(11)(i)
Orders or modifications to orders exceeding $500,000 funded in whole or in part by the Recovery Act	Publish postaward notice in the GPE	5.705 (a)(1)(iii)&(iv) 16.505(a)(11)(ii)
Orders exceeding the simplified acquisition threshold not providing for fair opportunity to all awardees; ***except***, if disclosure would compromise the national security or create other security risks	Publish postaward notice in the GPE within 14 days after placing order* And Post Justification for Exception to Fair Opportunity on the GPE and agency Web site (agency Web site may provide link to the GPE notice).** Justification must remain posted for a minimum of 30 days.	5.301(a)(2)(ii) 16.505(b)(2)(ii)(D)(1)(i) 16.505(b)(2)(ii)(D)(5) 5.301(d)(3) 16.505(b)(2)(ii)(D)(*1*)(*ii*) & (D)(*2*)

* Orders based on urgent and compelling circumstances may be published within 30 days of award.
** Contracting officers must carefully screen and remove contractor proprietary data before posting.

FAIR OPPORTUNITY PROCESS		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders not exceeding $ the micropurchase threshold	No fair opportunity required. Place order with any awardee that can meet the agency's need. (FAC 2021-6)	16.505(b)(1)(i)
Orders not exceeding the simplified acquisition threshold	Provide each awardee offering the required supplies or services with a fair opportunity to be considered. The contracting officer need not contact each of the awardees before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order.	16.505(b)(1) (ii)

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	Document the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision.	16.505(b)(7)
Orders exceeding the simplified acquisition threshold but not exceeding $6,000,000	Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include a description of the supplies or services and the basis for selection. Afford all awardees responding to the notice a fair opportunity to submit an offer. Document the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among price or cost and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision.	16.505(b)(1)(iii) 16.505(b)(7)
Orders exceeding $6,000,000	Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include: a clear statement of the agency's requirements; a reasonable response period; the significant factors and subfactors, including price or cost, which the agency expects to consider in evaluating proposals, and their relative importance; and, an opportunity for a postaward debriefing. When award is made on a best value basis, prepare a written statement documenting the basis for award and the relative importance of quality and price or cost factors. Notify unsuccessful awardees within 3 days after the date of award. Provide debriefings to unsuccessful awardees. Debriefings must be requested in writing within 3 days after receipt of notification of award. Debriefings should occur within 5 days after receipt of the written request. Summarize debriefings and include in the task or delivery order file.	16.505(b)(1)(iv) 16.505(b)(1)(iv)(D) 15.503(b)(1) 16.505(b)(6); 15.506

STATUTORY EXCEPTIONS TO FAIR OPPORTUNITY PROCESS	
Exception	**FAR Citation**
The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays	16.505(b)(2)(i)(A)

Only one awardee is capable of providing the required supplies or services at the level of quality required because the supplies or services ordered are unique or highly specialized[10]	16.505(b)(2)(i)(B)
The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order	16.505(b)(2)(i)(C)
It is necessary to place an order to satisfy a minimum guarantee	16.505(b)(2)(i)(D)
For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source – ***this is typically applicable to 8(a) STARS II and 8(a) STARS III directed orders below the competitive threshold***	16.505(b)(2)(i)(E)
IAW section 1331 of Public Law 111-240 (15 U.S.C. 644(r), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3).	16.505(b)(2)(i)(F)
For DoD, NASA, and the Coast Guard, the order satisfies one of the exceptions permitting the use of other than full and open competition listed in 6.302 (10 U.S.C. 2304 c(b)(5)). The public interest exception shall not be used unless Congress is notified in accordance with 10 U.S.C. 2304(c)(7).	16.505(b)(2)(i)(G)

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY		
Dollar Threshold	**Requirement**	**FAR Citation(s)**
Orders exceeding the micropurchase threshold but not exceeding the simplified acquisition threshold	Document the basis for using an exception to the fair opportunity process. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).	16.505(b)(2)(ii)(A)
Orders exceeding the simplified acquisition threshold	Prepare a detailed justification to include: Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for an Exception to Fair Opportunity", and Nature and/or description of the action being approved, and A description of the supplies or services required to meet the agency's needs (including the estimated value), and Identification of the exception to fair opportunity and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the	16.505(b)(2)(ii)(B)

[10] Requirements for use of items peculiar to one manufacturer shall be justified and approved using the format(s) and requirements from FAR 16.505 (b)(2)(ii)(A), (B), and (C), modified to show the brand-name justification.

	exception cited. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value) A determination by the contracting officer that the anticipated cost to the government will be fair and reasonable Any other facts supporting the justification, and A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made, and The contracting officer's certification that the justification is accurate and complete to the best of his/her knowledge and belief, and Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel, and A written determination by the approving official that one of the statutory exceptions applies to the order	

JUSTIFICATION APPROVALS		
Dollar Threshold	**Approving Official**	**FAR Citation(s)**
Over the micropurchase threshold but not exceeding the simplified acquisition threshold	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over the simplified acquisition threshold but not exceeding $750,000	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over $750,000 but not exceeding $15,000,000	Ordering activity competition advocate or authority cited below	16.505(b)(2)(ii)(C)(2)
Over $15,000,000but not exceeding $68,000,000($100,000,000 for DoD, NASA, and Coast Guard)	Head of ordering procuring activity (or for Armed Forces, a general or flag officer; or for civilians, a GS-15 or above), or authority cited below	16.505(b)(2)(ii)(C)(3)

Over $75,000,000 (or ($100,000,000for DoD, NASA, and Coast Guard)	Senior procurement executive (not delegable, except by the Under Secretary of Defense for Acquisition, Technology, and Logistics)	16.505(b)(2)(ii)(C)(4)

Appendix VII – Sample Offer Letter Template and SBA District Office Information

The following is an offer letter template that can be forwarded to the SBA servicing office.

Date:_____

U.S. Small Business Administration
Servicing District Office
Address
City State Zip

Dear _____:

In accordance with Federal Acquisition Regulation (FAR) 19.804-2, _____*Insert Agency Name Here*_____ is offering to the Small Business Administration (SBA) a requirement for Information Technology (IT) services and IT services-based solutions. The working title of this project is _____.

Description of Work (attach a copy of the statement of work, if available):

Estimated Period of Performance: mm/dd/yy – mm/dd/yy

NAICS Codes and applicable size standards: NAICS code _____, for which the current size standard is _____.

Estimated Dollar Value (Including Options): $_____.

Special Restrictions/Geographical Limitations: _____

Special Capabilities or Disciplines: _____

Type of Contract (i.e. Firm Fixed Price, Time and Materials, Labor-Hour, etc.): _____

Acquisition History (including previous incumbents, contract numbers, period of performance, contract value and how it was procured):

Small Business Participation (include the names and addresses of any small business contractors that have performed this requirement during the previous 24 months):

Statement That No Solicitation/Other Public Communications Issued: Prior to this offering no solicitation for the specific acquisition has been issued as a small business, HUBZone, service-disabled veteran-owned small business set-aside, or a set-aside under the Women-Owned Small Business (WOSB) Program, and that no other public communication (such as a notice through the Governmentwide point of entry (GPE)) has been made showing the contracting agency's clear intention to set-aside the acquisition for small business, HUBZone small business, service-disabled veteran-owned small business concerns, or a set-aside under the WOSB Program.

Identification of 8(a) Firm for Consideration: _____ (Please list all Joint Venture members if applicable)

Select one:

___The 8(a) participant, through its own efforts, marketed the requirement and caused it to be reserved for the 8(a) program;

or

____The acquisition is a follow-on or renewal contract and the nominated 8(a) participant is the incumbent.

Bonding requirements (if applicable):_____

Identification of all known 8(a) Concerns, which have expressed interest in this acquisition: _____

Identification of all SBA Field Offices that have asked for the acquisition to be awarded 8(a) Program: _____

Special Requests: For the following special requests, please reach out directly to the applicable SBA district office:

1. A requirement with an estimated contract value under the applicable competitive threshold to be awarded as an 8(a) competitive contract, or
2. A requirement with a contract value over the applicable competitive threshold to be awarded as a sole source contract

Any other information that the procuring activity deems relevant or which SBA requests**:**

Please direct the response to the undersigned at _____ (email address)

Contracting Officer_____

Title_____

Agency_____

Enclosure (SOW/PWS)

SBA District Offices - Offer Letter Email Addresses Current as of 07/19/2021		
District Office	Offer Letter Email	Phone Number
Alabama	Jawanda.jones@sba.gov & carol.house@sba.gov	Jawanda: 205-290-7643 Carol: 205-290-7643
Alaska	Alaska8a@sba.gov	907-271-4022
Arizona	shivani.dubey@sba.gov	602-745-7227
Arkansas	Suzanne.Terrazas@sba.gov or Jerry.Talbert@sba.gov	Suzanne: 501-324-5871 ext 366 Jerry: 501-324-7379 ext 279
Baltimore	Mdofferletters@sba.gov	410-962-6195
Boise	gregory.yerxa@sba.gov	208-334-9634
Cleveland	vanessa.behrend@sba.gov	216-522-4171
Colorado	Coloradodo@sba.gov	303 844.2607
Columbus	shanda.harris@sba.gov & Jill.nagy-reynolds@sba.gov	614-427-0407
Connecticut	Connecticut_DO@sba.gov	860-240-4700
Dallas/Fort Worth	DFWDO.Email@sba.gov	817-684-5500

Delaware	Jennifer.Tilden@sba.gov or George.Tapia@sba.gov *Delaware's 8(a) portfolio is currently being serviced by the Eastern Pennsylvania District Office.	Delaware's main line: 302-300-1935 (Jennifer) 610-382-3083 or (George) 610-382-3086
Eastern Pennsylvania (Philadelphia)	Jennifer.Tilden@sba.gov or George.Tapia@sba.gov	(Jennifer) 610-382-3083 or (George) 610-382-3086
Georgia	georgiaofferletters@sba.gov	404-331-0100
Hawaii/Guam	hawaii8a@sba.gov	808-541-2990
Houston	Miguel.ruiz@sba.gov	713-773-6513
Illinois (Chicago)	Rosalyn.putman@sba.gov	312-353-5037
Indiana	Vernice.Mathis@sba.gov and cc: Martin.Anderson@sba.gov	317-226-7272
Iowa (Des Moines)	Dawnelle.Conley@sba.gov	515-284-4913
Kansas City	thomas.berry@sba.gov and Carolina.vargas@sba.gov	816-426-4914
Kentucky	KY@sba.gov & cc: Joshua.stutzman@sba.gov	305-582-1311
Los Angeles	8alado@sba.gov	213-634-3855
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