

GSA Industry Partner Message

On November 14, 2023, GSA's Senior Procurement Executive Jeff Koses signed Acquisition Alert AA-2024-02, *Workforce Guidance on FAR Case 2020-011, Implementation of Federal Acquisition Supply Chain Security Act (FASCSA) Orders (Interim Rule)*.

What does the guidance say?

AA-2024-02 provides an overview of the recent FAR interim rule regarding FASCSA orders. It summarizes the rule by:

- Outlining the actions required by GSA contracting officers,
- Outlining the actions required by offerors and contractors,
- Highlighting GSA-specific procedures GSA contracting officers will need to take for certain actions related to the interim rule, and
- Explaining how to comply with FASCSA orders once they are issued.

Importantly, the guidance provides helpful information specific to the following contracting instruments (both existing and new), including solicitations:

- GSA-managed Government-wide indefinite delivery vehicles (IDVs) (e.g., Federal Supply Schedule, Government-wide Acquisition Contracts, Multi-Agency Contracts (MACs)) including GSA-specific IDIQs
- Orders placed under GSA-managed Government-wide IDVs, Government-wide IDVs not managed by GSA, and GSA-specific IDVs
- Open-market contracts
- Lease contracts
- Micro-purchases and Fleet Cards

When will GSA modify existing contracts?

GSA will begin to modify GSA-managed Government-wide IDVs in December 2023 and will complete the modifications by June 4, 2024 (FAR Rule Effective Date +6 months).

GSA will modify all other existing GSA contracts prior to exercising an option or otherwise extending the period of performance.

How will FASCSA orders, issued after award, apply to my contract(s)?

To ensure GSA's IDVs are easy for federal agencies to use, all GSA IDVs are required to include the FASCSA clause 52.204-30 Alternate I at the basic contract level.

For GSA-managed Government-wide IDVs:

- FAS contracting officers for these vehicles will utilize the FAR clause at 52.204-30 with its Alternate I.
- They will select “yes” for all three types of FASCSCA orders (DHS-issued FASCSCA Orders, DoD-issued FASCSCA Orders, and DNI-issued FASCSCA Orders – **see the Quick Guide below** for what this will look like).
- Once this clause is modified into these contract vehicles, and an applicable FASCSCA order is issued, GSA will remove covered articles, products, and services subject to a FASCSCA order from the Government-wide IDV. This means that new FASCSCA orders will automatically apply to all subsequent task and delivery orders.

For all other contracts at GSA (e.g., open-market contracts, agency level IDIQs, leases, and orders under IDVs using the FAR clause at 52.204-28), once an applicable FASCSCA order is issued, GSA’s contracting officers will make a determination at the contract level as to whether the new FASCSCA order needs to be incorporated into the contract.

GSA is providing a Quick Guide to help provide clarity for GSA’s implementation, and tips you can use that explain how to check SAM.gov. See below.

Quick Guide for GSA Industry Partners

The FAR rule lets agencies managing Government-wide IDVs decide whether to manage the requirement at the contract or order level. To best serve its customers, GSA will manage this at the basic contract level.

GSA’s Plan for Government-wide Vehicles

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| <p>For GSA-managed Government -wide vehicles:</p> <p>For example:</p> <ul style="list-style-type: none"> • GSA’s Federal Supply Schedules • 8(a) STARS III • Alliant 2 • VETS 2 • OASIS | <p>GSA will use the provision FAR 52.204-29 GSA will use clause FAR 52.204-30 Alt I</p> |
| | <p>Provision : The contracting officer does not need to complete anything within FAR 52.204-29.</p> |
| | <p>Clause : The contracting officer will complete (b) of FAR 52.204-30 Alt I as shown below.</p> |
| | <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DHS FASCSA Order Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DoD FASCSA Order Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNI FASCSA Order</p> |
| | <p>This means all FASCSA orders issued will apply at the base contract vehicle level.</p> |

GSA's Plan for GSA-Funded Contracts

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| <p>For GSA-funded contracts:</p> <p>For example:</p> <ul style="list-style-type: none"> ● Open-market contracts ● GSA-only IDVs ● Leases | <p>GSA will use the provision FAR 52.204-29 GSA will use clause FAR 52.204-30 (or with its Alternate I when appropriate)</p> |
| | <p>Provision : The contracting officer does not need to complete anything within FAR 52.204-29.</p> <p>Clause : The contracting officer does not need to complete anything within FAR 52.204-30. Only Department of Homeland Security (DHS) FASCSA orders will apply to these contracts.</p> <p>Clause Alt I (if used) : The contracting officer will identify applicable FASCSA orders by completing (b) of FAR 52.204-30 Alt I.</p> |
| | <p>By submitting an offer, the offeror is representing that it has conducted a reasonable inquiry and is not providing any covered article, or any products or services subject to a DHS-issued FASCSA order.</p> <p>If you can't make this representation, you must disclose this and provide the required information in accordance with provision FAR 52.204-29(e)</p> |

What do you need to do?

By submitting an offer, you are representing that you have conducted a reasonable inquiry and are not providing any covered article, or any products or services subject to:

- All three of the FASCSA order types for a GSA-managed Government-wide Vehicles
- A DHS-issued FASCSA order for a GSA-funded contract

If you can't make the representation, you must disclose this to the contracting officer by providing the required information in accordance with FAR provision 52.204-29(e)

Checking SAM.GOV

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| Pre-Award | All offerors must: <ul style="list-style-type: none">• Review the System for Award Management (SAM) for any applicable FASCSA orders prior to submitting each offer. |
| Post-Award | <ul style="list-style-type: none">• All contractors must review SAM at least once every three months to search for excluded sources, products, and services to ensure that it is not using excluded items in performance of its Government contracts.• If a contractor becomes aware (including via notification by a subcontractor) that an excluded product or service has been delivered to the Government, or used in performance of a contract, the contractor must report this to the contracting officer.• All contractors must require their subcontractors, at all tiers, to do the same by including the substance of the applicable exclusion clause in the contract (or 52.204-30 with the applicable Alternate clause language), in all subcontracts and other contractual instruments. Subcontractors must clearly require their subcontractors to |

include the same FAR clause (52.204-30 with the applicable Alternate clause language) in subcontracts they establish, and this must continue to all subcontracts down the supply chain.

How do you check SAM.gov for FASCSA Exclusion Orders?

It's important to note that a FASCSA order broadly refers to either a FASCSA exclusion order or a FASCSA removal order. Each FASCSA order will identify whether it is an exclusion or removal order (this will be found under "Additional Information" in SAM.gov).

- After December 4, 2023, and once any FASCSA orders are issued, FASCSA orders can be retrieved from SAM.gov.
- Contractors can retrieve FASCSA orders at SAM.gov by following the FASCSA order link on the SAM.gov home page.
- Questions related to searching SAM.gov should be directed to the Federal Service Desk, [FSD.gov](https://www.fsd.gov). The helpdesk can not help or advise with any FASCSA orders policy or process. FSD.gov can only answer questions about SAM.gov and how the system works. Contractors must submit questions to the applicable contracting officer about FASCSA orders.

In addition, SAM.gov has a feature that can allow for automating the FASCSA checks

- SAM.gov, via OpenGSA.gov, allows the general public to utilize SAM.gov's Application Programming Interface (or API) for [Entity and Exclusion Alerts](#).
- For help utilizing the API, prior to contacting the help desk, you should troubleshoot the items listed on the [OpenGSA site](#).

Communicating with your subcontractors (at all tiers)

Contractors must work with their subcontractors (at all tiers) to ensure that none of the subcontractors provide or use a product or service produced or provided by a source subject to an applicable FASCSA order and follow the guidance provided in the "Checking SAM.gov" table above.

GSA recommends contractors create plans to streamline communication between subcontractors on a regular basis to ensure compliance with this rule.