

**POST AWARD FOR A-76 COMPETITIONS
FREQUENTLY ASKED QUESTIONS**

Post Competition Implementation, Phase-in, Roles, Responsibilities, and Responsible Officials for Standard and Streamlined Competitions	
Q: Are there differences in agency implementation responsibilities between standard and streamlined competitions?	A: No. Post-competition implementation responsibilities are generally the same for both a streamlined and standard competition.
Q: What are the elements of a good phase-in plan?	A: A good phase-in plan includes a detailed plan of actions and milestones that provides a realistic schedule for ensuring that resources are available when required (i.e., personnel, facilities, equipment, training, etc.). A good phase-in plan should also include a communications plan.
Q: How long should an agency have to complete transition?	A: The length of transition depends on the complexity of the competition (i.e., number of impacted employees, number of activities or functions, complexity of functions and activities, number of locations, union collective bargaining agreements, reduction-in-force rules, etc.).
Q: What is a transition plan?	<p>A: The transition plan, or more specifically the employee transition plan (ETP), focuses on the human resource actions necessary to transition to the winner of the competition. The ETP must consider two scenarios: (1) MEO win and (2) private sector win.</p> <p>(1) MEO Win. The ETP will focus on the transition of employees to the newly defined position descriptions proposed by the MEO and any training requirements to enable employees to successfully execute new job requirements. The ETP will also consider VERA/VSIP options, placement, reduction-in-force, and outplacement actions if all current employees will not be included in the MEO.</p> <p>(2) Private sector win. The ETP will include the coordination of Right of First Refusal for current employees to potentially be hired by the successful private sector. The ETP will also consider VERA/VSIP options, placement, reduction-in-force, and outplacement actions for current employees.</p>

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MEO letter of obligation (LOO) elements, purpose, implementation, and performance monitoring	
Q: What is the purpose of a LOO?	A: The purpose of the MEO LOO is to create an enforceable agreement between the agency and the government's most efficient organization similar to the contract between the agency and the private sector. The OMB Circular No. A-76 intent in establishing the MEO LOO was to ensure that both the government's MEO and the private sector were held to the same standards of performance.
Q: What are the main elements of a LOO?	A: A letter stating the terms and conditions of the agreement between the contracting officer or other authorized agency official and the agency tender official (ATO) who has authority to commit resources and funds. The letter incorporates the applicable sections of the solicitation (Sections A-J) and the agency tender.
Q: What rules or agreements govern or otherwise effect how LOO operates?	A: The FAR, the Code of Federal Regulations, OMB Circular No. A-76, collective bargaining agreements, and agency policies and procedures.
Q: Who signs the LOO on behalf of Government and MEO/SP?	A: Contracting officer or other authorized agency official and the agency tender official (ATO).
Q: Should HR Sign LOO?	A: No. The role of HR is to support management with human resource issues and not to act on behalf of the government.
Q: Should Union Rep sign LOO?	A: No. The union representatives represent employees and do not act on behalf of the government.
Q: Are there examples of LOO?	A: Examples of the MEO LOO for both streamlined and standard competitions can be found at the SHARE A-76!, Defense Acquisition University, and specific agency websites.
Q: Who can modify the LOO?	A: The contracting officer or other authorized agency official can unilaterally or bilaterally modify an agreement. If bilaterally, it must be with consent of the agency tender official (ATO).
Q: Under what circumstances can the LOO be modified?	A: The MEO LOO can be modified under the same circumstances that would typically occur with a contract under the FAR (i.e., change in scope of work, increase or decrease in amount of work, funding issues, etc.).
Q: How is the LOO modified?	A: The MEO LOO can be modified by any method that enumerates the changes to the original agreement.

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Q: What are the limitations on the extent to which a LOO may be modified?	A: There are no specific limitations to the extent that the MEO LOO can be modified provided funds are available in accordance with FAR 43.105. The agency should use discretion and modifications should be governed by the guidance in the FAR Part 43 and should always consider the best interest of the government.
Q. What is entailed in evaluating performance under a LOO?	A: Similar to evaluating performance under a contract, the MEO must meet the performance standards established in the MEO LOO. The agency will monitor the MEO performance according to the procedures established in the PWS, PRS, and QASP.
Q: What reporting obligations does the circular impose associated with evaluating performance?	A: See paragraph E-4 of the circular. Agencies must adhere to the PWS, PRS, QASP, FAR, terms and conditions specified in the MEO LOO.
Q: What additional guidance is available to assist the agency in monitoring performance and measuring results?	A: The PWS, PRS, and QASP requirements should provide guidance for performance monitoring. Additional guidance is in FAR 42.15.
Q: Who is responsible for evaluating performance under the LOO?	A: Similar to contracts, the program office is ultimately responsible for evaluating service provider performance under the MEO LOO through the contracting officer's technical representative (COTR) and the quality assurance evaluators (QAEs), if employed. The contracting officer is responsible for documenting the findings of the COTR and the QAEs in the competition file.
Q: What options are available to the agency to address performance shortfalls?	A: The MEO LOO is established as an enforceable agreement with options available include all those addressed under FAR Parts 17, 33, 42, and 49.
Q: What are the main differences that an agency needs to keep in mind when administering a contract vs. letter of obligation?	A: The major difference would be in the funding of the contract and the MEO LOO (i.e., obligation of funds vs. fencing/reserving of a part of a budget). The MEO LOO administration should mirror contract administration as closely as possible. Terminations and other drastic administration actions will require an agency process and coordination with management.

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Q: What must be done to ensure the QASP is implemented?	A: The agency must ensure that the recommended procedures in the QASP are implemented; this primarily includes establishing and funding government personnel that will be quality assurance evaluators, such as the COTR, and establishing any workload or performance tracking systems that may be necessary to measure performance. The cost of quality assurance monitoring should be planned for in designing the residual organization, which is usually done at the end of PWS development.
Q: What if any steps must be taken beyond those set forth in the FAR for awards made pursuant to public private competitions?	A: Circular A-76 requires the performance of post-competition reviews (i.e., meaning an internal agency review) that verifies that the performance improvements and cost savings identified as a result of the competition are realized. This review is performed annually regardless of whether the competition was won by an MEO or other service provider.

Questions that might be more fully answered by Human Resources Office	
Q. Is performance of individual employees evaluated separately from performance of MEO as a whole?	A. Yes. Employees are evaluated individually by their supervisors. The MEO's performance is measured through its ability to meet performance standards established in the PWS.
Q. Should individual personnel problems be taken into account when evaluating the overall performance of the MEO?	A. No. It is the responsibility of management to ensure that personnel are performing sufficiently so that the MEO can meet its performance standards. If personnel are not performing sufficiently, then the supervisor should contact HR/LMR to discuss options to resolve performance problems.
Q. How should personnel issues of individual employees be handled?	A. Personnel issues should be handled in accordance with normal OPM and agency procedures.
Q. What officials have responsibility in these circumstances (e.g., the immediate supervisor, the HRA, the CO)?	A. The immediate supervisor is responsible for evaluating and rating individual employee performance.
Q. What involvement does the employee union play?	A. The union or other employee representative's involvement is usually defined in bargaining unit agreements. The union ensures that specific aspects of the collective bargaining agreement (CBA) are upheld, if applicable, and that appropriate representation is provided to all employees in matters that affect their employee rights under the CBA with the agency.

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FOR MORE INFO CONTACT

**ROBERT KNAUER
AMES OWENS
TOM KAPLAN**

**IN THE
OFFICE OF COMPETITIVE SOURCING**