



U.S. General Services Administration

Federal Acquisition Service

Integrated Technology Services

CO Workshop 2007

Jack Braun
Networx Universal Contracting Officer
Robert Sudhoff

May 8, 2007



U.S. General Services Administration

Federal Acquisition Service

Integrated Technology Services

Fair Opportunity

Jack Braun
Networx Universal Contracting Officer

May 8, 2007

Table of Contents

- Definition
- Roles and Responsibilities
- Agency Vendor Selection
 - Planning Activities
 - Fair Opportunity Activities
- Additional Fair Opportunity Decisions
- Fair Opportunity Documentation/Notification
- Exceptions to Fair Opportunity
- Statement of Work Process
- What Should Agencies be Doing Now

“Fair Opportunity” Definition

Fair Opportunity process is mandated by United States Code (USC) § 253 and implemented in FAR Section 16.505

FAR 16.505(b) states:

“The contracting officer must provide each awardee a fair opportunity to be considered for each order exceeding \$3,000 issued under multiple delivery-order contracts or multiple task-order contracts, except as provided for in paragraph (b)(2) of this section.” and “The contracting officer may exercise broad discretion in developing appropriate order placement procedures.”

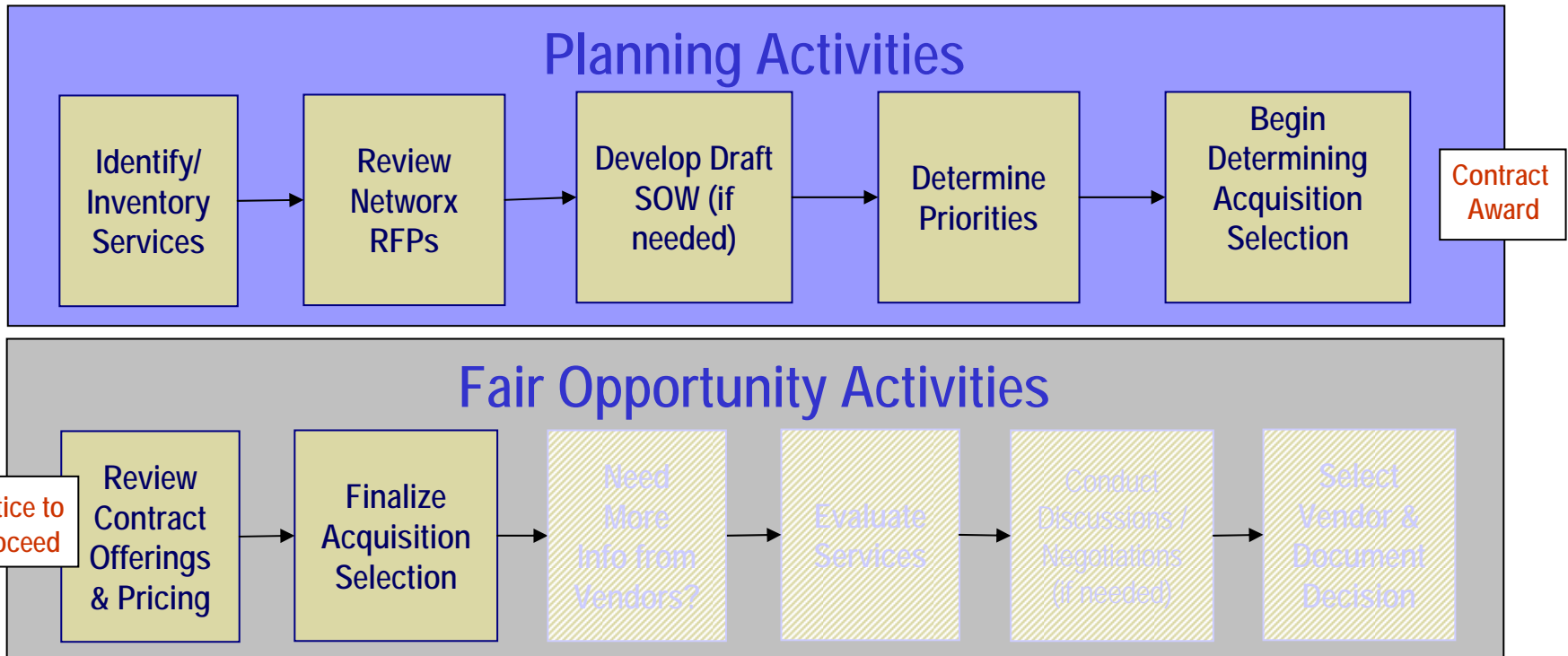


Relative to Networx, Fair Opportunity will be done at the Agency level with guidance from the contract, GSA and any Agency regulations.

Roles and Responsibilities

GSA	Agency	Agency Contracting Officer	Network Vendor
<ul style="list-style-type: none">• Award and Administer Contracts, including processing contract modifications• Provide general procedural guidance• Communicate policy/regulatory requirements to Agencies	<ul style="list-style-type: none">• Group requirements• Establish selection criteria• Designate Agency Vendor Selection team, including Contracting Officer• Establish fair opportunity compliance plan• Select acquisition vehicle(s)	<ul style="list-style-type: none">• Develop procedures to allow for fair opportunity• Lead negotiations with offerors during evaluation• Adhere to FAR & Agency requirements• Execute Fair Opportunity vendor selection process• Notify GSA of the decision	<ul style="list-style-type: none">• Provide quality proposals in compliance with Contract and SOW and within timeframes requested• Provide all information necessary for Agency's fair opportunity decision

Agency Vendor Selection



- Activities Overseen by Agency Transition Manager
- Activities Overseen by Agency Contracting Officer

Agency Planning Activities

- Agencies determine if they will use more than one grouping
 - But only one selection per grouping of requirements
- If more than one grouping, Agencies determine how to group the requirements
 - Projects or Bulk Order (see definition on next slide)
 - Service type (i.e. all voice services, or all managed network services)
 - Agency organization, Sub-agency , Geographic Region or Mission
 - In accordance with funding lines
 - *Primary or back-up services*
- Agencies select the acquisition to use that best fulfills each requirement set (either **Network Universal** or **Enterprise**, not both)
 - Placing the same requirements in Universal and Enterprise may place the Agency into new acquisition requiring “full and open competition.”

Network Definitions for Planning Activities

- Bulk Order - Multiple orders placed simultaneously for same service at same location from a single ordering Agency
- Project - As designated by the Agency, all services and activities to be managed as a Project
 - For Transition, examples include data services, switched services, all services
 - For other orders, examples are multiple sites or complex or mission-critical requirements; may include adding multiple services at a single location, adding new services to multiple locations, implementing a private network, or migrating from an existing contract other than FTS; any orders for which the routine service delivery process will not adequately address the special requirements for coordinating activation of service

Agency Planning Activities – cont.

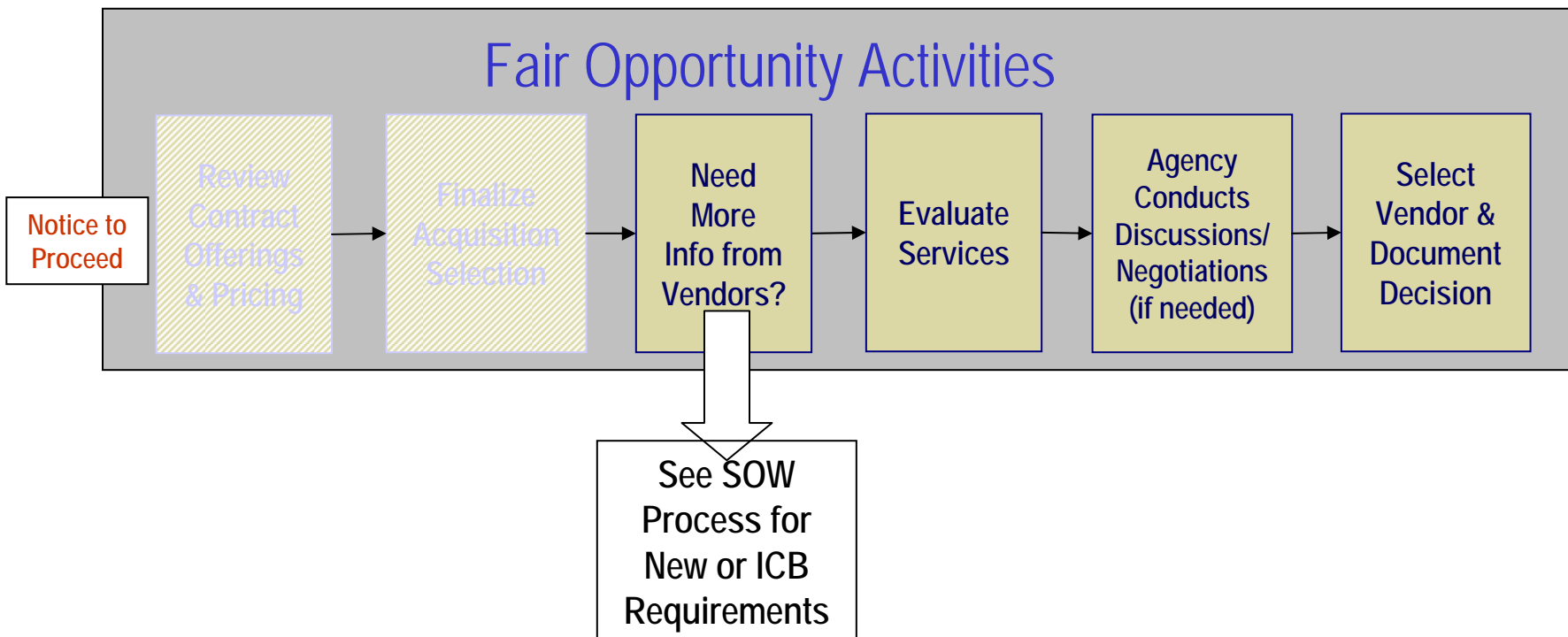
- Agencies should be framing their requirements
 - Review RFPs and contracts to understand the services available under Networkx
 - Drafting any Statements of Work (SOW), selection criteria, coordinating with GSA for submission of SOW to GSA for scope and review
- Agencies should identify appropriate personnel to handle the vendor selection activities as soon as possible, including Agency CO, program personnel, budget personnel and legal support
- Agencies should develop a timeline of events pertaining to Agency Vendor Selection
 - Reminder: Make selections for transitioning services within IMC-prescribed period to be eligible for transition credits

Fair Opportunity

Fair Opportunity requires that the Contracting Officer:

- Develop procedures to ensure all vendors within a specific acquisition have fair opportunity to be considered for each order
- Avoid methods such as allocation or designation of preferred awardees
- Tailor the process to the requirements
- Include price or cost as one of the evaluation factors
 - The fair opportunity should be based the full contract price, including NRCs, MRCs for *the entire term*, and any ICBs definitized,
 - Items reimbursed by GSA are to be included, i.e., transition costs paid by GSA
 - Consideration of MACs (Add, Moves, Changes) is recommended if appropriate

Vendor Selection - Fair Opportunity



Fair Opportunity Decision

- Other than price or cost, Agency ***may*** use other factors including technical, management, past performance, availability of vendor's OSS for order processing and/or C&A
 - FAR requires use of previous task order performance under contract but no past performance for initial Fair Opportunity decisions
- Agency will select one contractor for a group of requirements
 - May select different contractors for different groups of requirements
 - May not select multiple contractors for same requirement
 - In case of primary and backup carrier, must specify which contractor is primary and which is backup
- Agency CO to document each fair opportunity decision for its files and send notice of selection to GSA
 - Should include information about what is covered by fair opportunity decision and what is a logical follow-on to provide guidance for DARs

Additional Fair Opportunity Decisions

- Required for services not contemplated in original decision, hence Agency COs must document decisions carefully
- Agencies may conduct subsequent fair opportunity decisions on existing services to obtain better prices, updated technology, better performance or greater value
- Must be made by Agency Contracting Officer and not DAR

Fair Opportunity Documentation/Notification

- Agency CO to document each Fair Opportunity Decision for its files and send notice of selection to GSA
 - Should include information about what is covered by fair opportunity decision and what is a logical follow-on to provide guidance for DARs
- If contract modification required, providing GSA with any analysis performed will aid the modification process, especially any price information
- No FAR requirement to notify successful vendor or unsuccessful vendors but good business practice to do so
 - No debriefing is required by the FAR but for major SOWs, it is a good business practice
 - No requirement to issue funding document or a PO with Fair Opportunity Decision

Fair Opportunity Exceptions

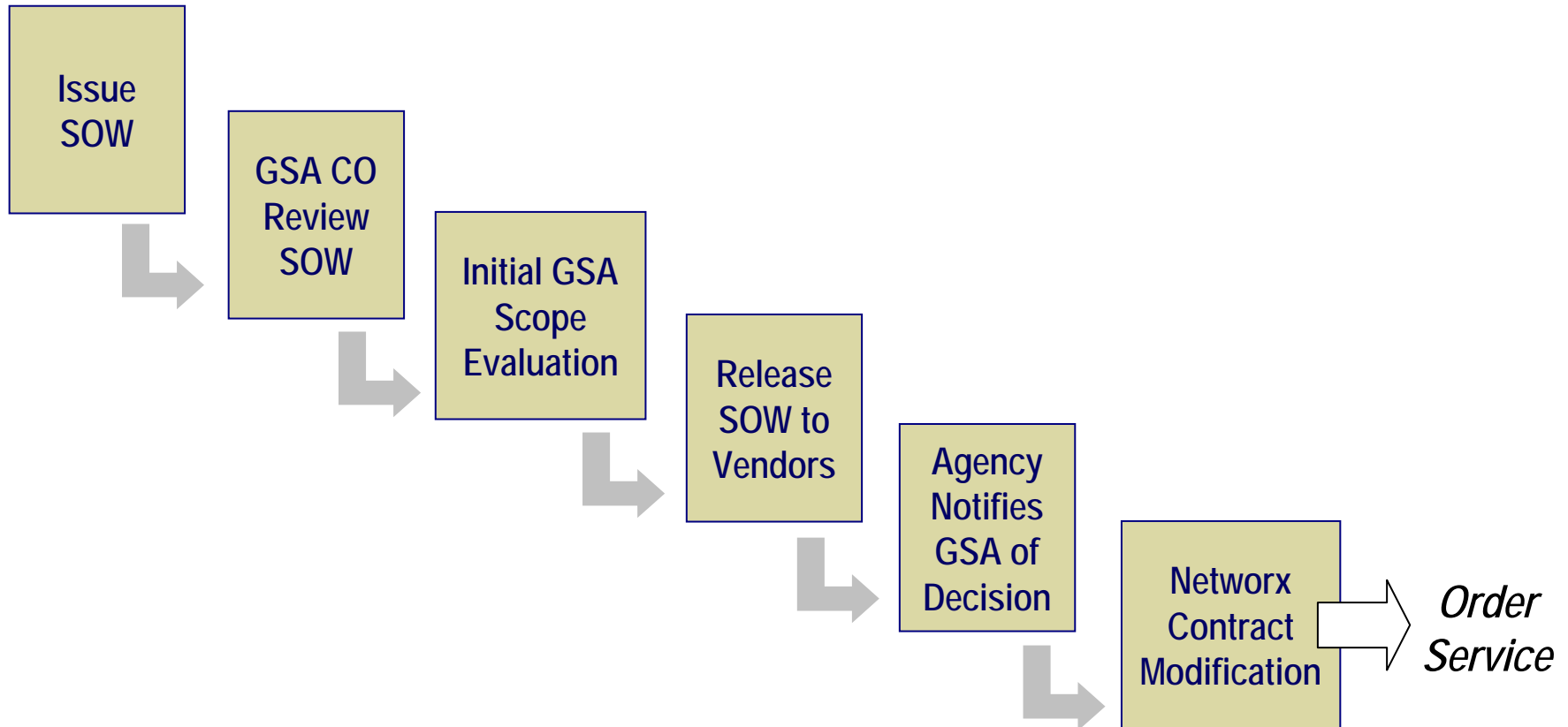
Fair Opportunity applies to all orders, including transition and post-transition, unless one of the statutory exemptions applies

Exception	Examples that Qualify as Exceptions
Unusual urgency that would lead to unacceptable delays	<ul style="list-style-type: none">• Natural disaster or other emergency• Military/mobilization• Immediate short-term need arising on short notice
Only one capable contractor	<ul style="list-style-type: none">• Only one contractor offers service• Only one contractor offers service to locations needed• Only one contractor can demonstrate it is capable of providing service as required by user or to required locations
Economy, efficiency, and logical follow-on to an order already issued under Fair Opportunity	<ul style="list-style-type: none">• Orders associated with any moves, additions, changes, or similar needs• <u>Incremental orders</u> for same or new service to locations where service already exists or has been ordered• Orders placed to minimize inefficiencies or additional costs that would result from introducing multiple maintenance, operations, training, network management, or other support systems• Orders placed to augment or maintain engineering and operational integrity of established telecommunications capability

Exceptions – con't

- FAR 16.505 (b)(4) states:
 - “The contracting officer shall document in the contract file the rationale for placement and price of each order, including the basis for award...”
 - The order file “shall also identify the basis for using an exception to the fair opportunity process. If the Agency uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical.”
- If using the logical follow-on exception, Agency will need to reference the initial decision
- If Agency regulations place additional requirements on this process, these additional requirements must be fulfilled
- Note – “logical follow on” cannot be used to move from a FTS2001 to Networx vendor

SOW Process



What Should Agencies be Doing Now

- Continue identification and documentation of inventory, if not already completed
- Determine how vendor selection decision(s) will be made
- Will requirements be grouped into one or more sets for Fair Opportunity? Make preliminary assessment of acquisition – Networx Universal or Enterprise of each set of requirements
- Identify personnel to conduct the activities outlined in this presentation, including Contracting Officer, Legal, Finance, Program Office
- Begin framing requirements
 - Identify how services will be grouped
 - Document the Agency Fair Opportunity Process and develop a template for documenting the Fair Opportunity Decisions
 - Draft SOW if required
- Develop timeline of events pertaining to Agency Contractor Selection
- Coordinate with GSA if SOW is required

Reference Documents – Online Availability

- The FAR is accessible online at <http://www.acqnet.gov/far> and provides current and archived sections, as well as other documentation

- FAR authority information
- Forms library
- FAQ

- The Network RFPs are available on-line
- Also, OFPP Best Practices are online at <http://www.acqnet.gov/Library/OFPP/BestPractices/BestPMAT.html>

1 Access FAR website: <http://www.acqnet.gov/far/>

2 Select applicable section

3 Access GSA Network website: www.gsa.gov/network

Contact Information

Network Universal
Contracting Officer
Jack Braun
(703) 306-6423
jack.braun@gsa.gov

Network Enterprise
Contracting Officer
Robert Abood
(703) 306-6461
robert.abood@gsa.gov



U.S. General Services Administration

Federal Acquisition Service

Integrated Technology Services

CO Workshop

May 8, 2007



U.S. General Services Administration

Federal Acquisition Service

Integrated Technology Services

DESIGNATED AGENCY REPRESENTATIVES GUIDELINES

**ROBERT M. SUDHOFF
ACTING DIRECTOR, OFFICE OF SERVICE DELIVERY ACQUISITIONS
OFFICE OF ACQUISITION OPERATIONS
OFFICE OF INTEGRATED TECHNOLOGY SERVICES
FEDERAL ACQUISITION SERVICE**

May 8, 2007

WRITTEN GUIDELINES
FOR
DESIGNATED AGENCY REPRESENTATIVES
ARE AVAILABLE UNDER THE DAR FOLDER
IN THE SECURE WEBSITE

<https://networx.mitretek.org/networx/twg/>

THE GUIDELINES WILL APPLY TO:

- AGENCY DAR (DESIGNATED AGENCY REPRESENTATIVE) ADMINISTRATOR
- INDIVIDUALS APPOINTED AS DAR

AGENCY DAR ADMINISTRATOR

A DAR ADMINISTRATOR IS:

- AN EMPLOYEE OF A GOVERNMENT AGENCY (CANNOT BE A CONTRACTOR)
- APPOINTED BY THE AGENCY APPOINTING AUTHORITY ***IN WRITING***

A DAR ADMINISTRATOR:

- *MAY ALSO BE APPOINTED TO FUNCTION AS A DAR*

DAR ADMINISTRATOR RESPONSIBILITIES:

- **COMPILE, TRACK, DISSEMINATE, AND MAINTAIN AN UP-TO-DATE LISTING OF DARs AND THEIR ORDERING AUTHORITY**
- **PROVIDE LISTINGS AND ANY UPDATES TO THE CONTRACTOR AND TO GSA**
- **ESTABLISH AND MAINTAIN AGENCY HIERARCHY CODES**
- **PROVIDE INSTRUCTIONS TO DARs ON THE ORDERING PROCEDURES AND THEIR AUTHORITIES AND LIMITATIONS**

BASED UPON AN AGENCY'S STRUCTURE

THERE MAY BE

MORE THAN ONE DAR ADMINISTRATOR

DESIGNATED AGENCY REPRESENTATIVE

A DAR IS:

- APPOINTED IN WRITING
 - BY AN AUTHORIZED INDIVIDUAL
 - IN ACCORDANCE WITH AGENCY REGULATIONS AND POLICY (APPOINTING AUTHORITY)
- AUTHORIZED TO PLACE ORDERS UNDER *NETWORX* SERVICES CONTRACTS FOR THEIR AGENCY

THE AGENCY DECIDES WHO IS APPOINTED AS A DAR:

- IN ACCORDANCE WITH AGENCY REGULATIONS AND POLICIES
- CONSIDERATION OF NECESSARY TRAINING, SKILLS, AND TECHNICAL EXPERTISE

DAR RESPONSIBILITIES:

- **PREPARE, SUBMIT, AND TRACK ORDERS CONSISTENT WITH THE CONTRACTING OFFICERS' FAIR OPPORTUNITY DECISION**
- **OTHER FUNCTIONS SPECIFIED IN APPOINTMENT DOCUMENT**

THE DAR MUST ISSUE ORDERS IN ACCORDANCE WITH:

- THE FAIR OPPORTUNITY DECISION
- TERMS AND CONDITIONS OF THE CONTRACT
- RULES, REGULATIONS AND POLICIES OF THEIR AGENCY
- LIMITATIONS/AUTHORITIES SPECIFIED IN THE APPOINTMENT DOCUMENT

REQUIREMENTS FOR GSA INTERNAL DAR APPOINTMENTS:

- CLASSROOM TRAINING IS NOT REQUIRED, ON-LINE TRAINING IS ACCEPTABLE
- TRAINING IS CONSISTENT WITH TRAINING THAT IS GENERALLY PRESCRIBED FOR COR/COTRS