

GSA FAS
Transition Summit
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TAKING TIME to TRANSFORM

Fair Opportunity

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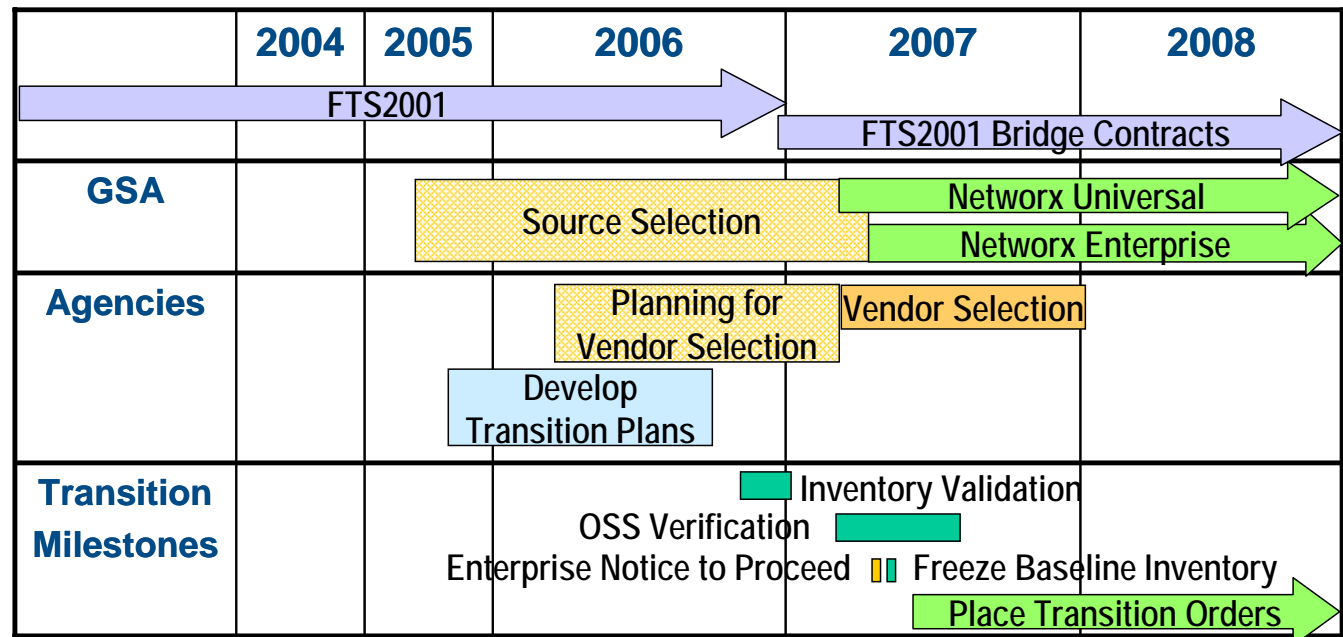
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Vendor Selection Milestones

- As FTS2001 provides much of the Federal Government's telecommunications backbone, the transition to Networx is a critical milestone
- Networx acquisitions are scheduled for award in March and May 2007

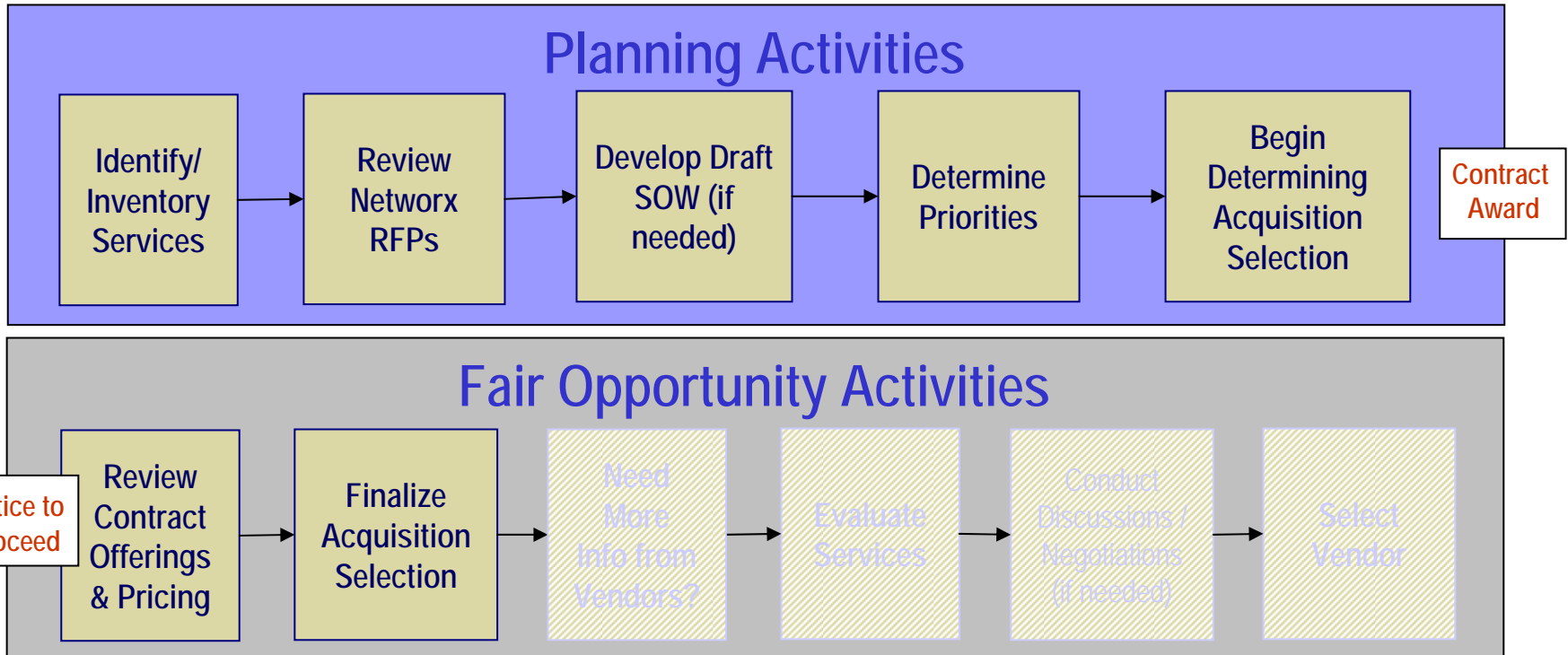
•Agencies should have already begun to prepare for the Agency vendor selection process to include fair opportunity



Roles and Responsibilities

GSA	Agency	Agency Contracting Officer	Network Vendor
<ul style="list-style-type: none"> ● Award and Administer Contracts ● 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 ● Establish fair opportunity compliance plan ● Select acquisition vehicle(s) ● Identify DARs 	<ul style="list-style-type: none"> ● Develop procedures to allow for fair opportunity ● Lead negotiations with offerors during evaluation ● Adhere to Agency requirements ● Execute Fair Opportunity vendor selection process 	<ul style="list-style-type: none"> ● Provide proposals in compliance with Contract and SOW ● Provide all information necessary for Agency's fair opportunity decision

Agency Vendor Selection



Notice to Proceed

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

Planning Activities

- **Agencies determine if they will use more than one grouping**
- **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)
 - Network supported
 - Agency organization, Sub-agency , Geographic Region or Mission
 - In accordance with funding lines
- **Agencies select the acquisition to use that best fulfills each requirement set (either Networx Universal or Enterprise, not both)**

Network Definitions

- **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

Planning Activities – cont.

- **Agencies need to determine how vendor selection will be made**
- **Agencies should identify appropriate personnel to handle the vendor selection activities as soon as possible**
- **Prior to award, Agencies should begin framing their requirements**
 - Review RFPs to understand offerings
 - Identify how Fair Opportunity decision will be made
 - Document the Fair Opportunity process and develop a template for documenting the Fair Opportunity decisions
- **Agencies should begin development of a timeline of events pertaining to Agency Vendor Selection**
 - Make selections for transitioning services within IMC-prescribed period to be eligible for transition credits

Fair Opportunity Activities

- **GSA will provide a modified version of the pricing tool to facilitate the Agencies' market research and Fair Opportunity process**
- **The Fair Opportunity decision must consider the full contract price, including NRCs, MRCs for the entire term, and any ICBs definitized**
- **Items reimbursed by GSA are to be included**

Description of "Fair Opportunity"

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 \$2,500 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.

Fair Opportunity Agency Activities

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**

Ordering after the initial Fair Opportunity decision...

- **Service offered on Networx as a definitized CLIN**
 - **Does not meet exception: CO Documents Fair Opportunity**
 - **Meets exception: CO or DAR orders service and documents in a file**

Fair Opportunity Exceptions

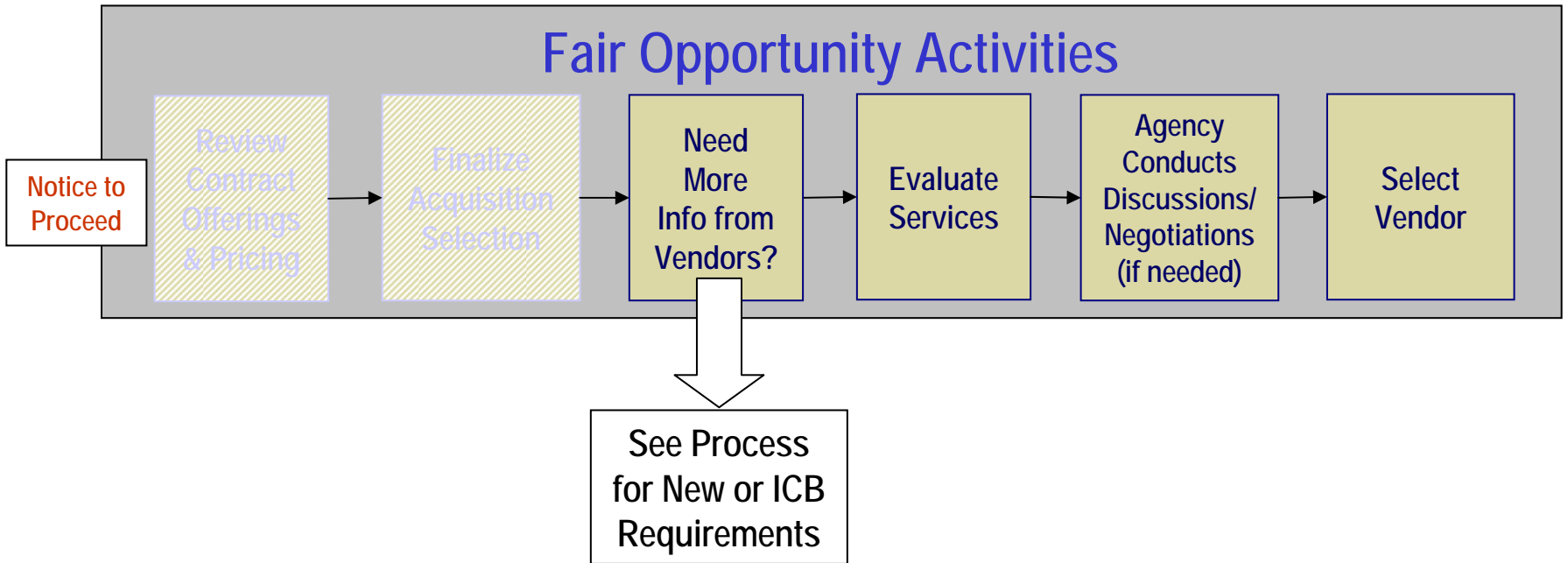
Fair Opportunity applies to all orders, including transition and post-transition, unless one of the statutory exemptions applies

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 ● Incremental orders 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**

Vendor Selection - Fair Opportunity



Agency Next Steps

- **Continue identification and documentation of inventory**
- **Determine how vendor selection decision(s) will be made**
- **Will requirements be grouped into one or more sets for Fair Opportunity?**
- **Identify personnel to conduct the activities outlined in this presentation**
- **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**
- **Develop timeline of events pertaining to Agency Contractor Selection**

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



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