

# UNIT 4: REQUIREMENTS ANALYSIS

September 2004

## UNIT CERTIFICATION

### *Statement of Completion*

\_\_\_\_\_ has satisfactorily completed training in the duty of this Unit under the conditions described below and in accordance with the overall standard(s) for this Unit.

<b>Duty</b>	Review and provide business advice in the preparation of requirements documents and related elements of the Procurement Request.
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<b>Conditions</b>	Given forecast requirements, written or unwritten acquisition plan, market research, Procurement Request, and other related documents.
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<b>Overall Standard</b>	Critique draft requirements documents and related elements of the Procurement Request. When appropriate, the critique should consider special requirements related to the Service Contract Act, contractor use of Government furnished property in contract performance, and contractor use of Government sources of supply.
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### **Part A: Requirements Documents Analysis**

<b>Sub-Duty</b>	Critique draft requirements documents and related elements of all Procurement Requests.
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<b>Sub-Duty</b>	Ensure that requirements documents are phrased in terms that:
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<b>Standard</b>	<ul style="list-style-type: none"><li>• The market can satisfy.</li><li>• To the maximum extent practicable, describe functions to be performed, the performance required, or essential physical characteristics – rather than design characteristics.</li><li>• Establish a valid and reliable benchmark for determining whether offered supplies or services meet the functional need.</li><li>• Encourage offerors to supply commercial items or (or when suitable commercial items are not available) nondevelopmental</li></ul>
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items (NDIs).

- Will allow evaluators to consider all available commercial or NDIs that can meet the functional need technically acceptable.
  - Exclude all products or services (commercially available or not) from consideration that cannot meet the actual functional need.
  - Include restrictive provisions or conditions only to the extent necessary to satisfy the needs of the agency or as authorized by law.
  - Promote full and open competition, with due regard to the nature of the supplies or services to be acquired.
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## Part B: Service Contract Act Requirements Analysis

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<b>Sub-Duty</b>	For work covered by the Service Contract Act, identify required skill classifications and prepare requests for wage determinations from the Department of Labor (DOL).
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<b>Additional Conditions</b>	Given a requirement for services covered by the Service Contract Act.
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<b>Sub-Duty Standard</b>	Correctly make decisions related to Service Contract Act requirements.
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## Part C: Government Furnished Property Requirements Analysis

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<b>Sub-Duty</b>	Determine whether and how to provide for the use of Government furnished property (GFP).
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<b>Additional Conditions</b>	Given existing Government property that might be available for use by the contractor.
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<b>Sub-Duty Standard</b>	Correctly apply Government policies and procedures related to soliciting offers based on the use of GFP and responding to requests for GFP not identified in the solicitation.
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## Part D: Government Sources of Supply Requirements Analysis

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**Sub-Duty** Determine whether to authorize contractors to use Government supply sources.

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**Additional Conditions** Given the availability of Government sources for supplies or services needed to support contract performance.

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**Sub-Duty Standard** Correctly apply Government policies and procedures related to providing for contractor use of Government supply sources.

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<b>Evaluator</b>
Name
Title
Date

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Insert documentation to support completed training.

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## Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
2.101		Definitions. "Micro-purchase threshold" means \$2,500, except it means- (2) \$15,000 for acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack.
4.601		(d)(6) adds a record requirement for Contract Reporting for Performance-Based Contracting
6.302-1(c)		Application for brand name descriptions.
7.101		Definitions (i.e., order).
7.105b(4)		Contracting considerations.
7.103		Agency head responsibilities for acquisition planning, particularly subparagraphs (a), (b), (c), (l2), (m), and (n).
9.3		First article testing and approval.
10.001		Policy, Operation or Defense Against Attack (2) Conduct market research appropriate to the circumstances- (v) Agencies shall conduct market research on an ongoing basis, and take advantage to the maximum extent practicable of commercially available market research methods, to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the agency in furtherance of a contingency operation or defense against or recovery from nuclear, biological, chemical, or radiological attack.
11		Describing agency needs.
12.102		Policy for determining applicability of FAR Part 12. (f) (1) Procurements for Defense Against or Recovery From Terrorism or Nuclear, Biological, Chemical or Radiological Attack; and Temporary Emergency Procurement Authority (FAR Case 2002-026 and 2002-003) This rule finalizes interim rules 2002-026 and 2002-003, which increased the amount of the micro-purchase threshold and the simplified acquisition threshold and provide expanded access to streamlined

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<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
		procedures for procurements of supplies or services by or for an executive agency that are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
12.201		General applicability of special requirements for the acquisition of commercial items.
12.202		Market research and description of agency need for commercial item.
12.203		Procedures for solicitation, evaluation, and award of commercial item requirements.
13.003(a)		Preference for use of simplified purchasing procedures for requirements not exceeding the simplified acquisition threshold.
13.201		<p>Actions At or Below the Micro-Purchase Threshold, General</p> <p>(g)</p> <p>(1) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, the micro-purchase threshold is \$15,000.</p> <p>(2) Purchases using this authority must have a clear and direct relationship to the support of a contingency operation or the defense against or recovery from nuclear, biological, chemical, or radiological attack.</p>
13.5		Test program for certain commercial items.
19.202-1		Encouraging small business participation in acquisitions.
19.903		<p>Applicability</p> <p>(a) The Very Small Business Pilot Program applies to acquisitions, including construction acquisitions, with an estimated value exceeding \$2,500 but not greater than \$50,000, when- ...</p> <p>(3) Acquisitions of \$15,000 or less for acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack as described in 13.201(g)(1).</p>
22.103-3(a)		"Solicitations normally shall not specify delivery or performance schedules that may require overtime at Government expense."

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<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
22.10		Service Contract Act.
23.203		Policy to consider energy conservation and efficiency data in the preparation of plans, drawings, specifications, and other product descriptions
23.4		Use of recovered materials.
23.703		Policy on contracting for environmentally preferable and energy-efficient products and services.
24.1		Protection of individual privacy.
25.003		Foreign Acquisitions, Definitions "Construction material" means an article, material, or supply brought to the construction site by a contractor or subcontractor for incorporation into the building or work.
25.408(a)		No requirements solely to preclude acquisition of eligible products under the Trade Agreements Act.
35.005		Work statement.
35.007		Research and development (R&D) solicitation technical considerations in subparagraphs (c), (d), and (g). Work statements for research and development.
35.010(a)		Scientific and technical report requirement for R&D contracts.
35.011(a)		Data requirement for R&D contracts.
35.014(a)		Government property and title (related to R&D acquisitions).
35.014(d) (2)(e)		Application of FAR Part 45 to R&D contracts.
35.015(a)		Research contracts with educational institutions and non-profit organizations.
36.6		Architect-Engineer Services This subpart prescribes policies and procedures applicable to the acquisition of architect-engineer services.
36.7		Standard and Optional Forms for Contracting for Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements.
37.601		General description of "performance-based contracting." (a) Performance-based contracting methods are intended to ensure that required performance quality levels are achieved and that total payment is related to the degree that services performed or outcomes achieved meet contract standards.
37.602-1		Statements of work for performance-based contracts.
39.1		Policy on acquisition of information technology.

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<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
44.201-1(d) 44.201-4		Contractor use of Government sources
44.202-2(a)		Contractor intent to acquire special test equipment or facilities as a factor in considering consent to subcontract.
45.101		Definitions of different types of Government property.
45.102		Basic policy and criteria for furnishing property.
45.106		Government property clauses.
45.3		Providing Government property to contractors.
46.101		Definitions of "contract quality requirements," "Government contract quality assurance," "inspection," and "acceptance."
46.102		Policy regarding incorporation of inspection and other quality requirements.
46.103		Contracting office responsibilities for incorporating contract quality requirements.
46.2		Contract quality requirements.
46.3		Contract clauses related to quality requirements.
46.401 thru 405		Specifying the Government's role and responsibility for contract quality assurance, including quality assurance surveillance plans.
46.503		Place of acceptance.
46.504		Certificate of conformance.
46.7		Warranties.
51.1		Use of Government supply sources by contractors.
52.202-1		Definitions, The definitions used are standard definitions unless otherwise specified.
52.209-3		First article approval – contractor testing.
52.209-4		First article approval – Government testing.
52.211-5		Material requirements.
52.211-6		Brand name or equal.
52.211-7		Alternatives to Government-unique standards.
52.211-8		Time of delivery.
52.211-9		Desired and required time of delivery.
52.222-41		Service Contract Act of 1965 as amended.
52.222-42		Statement of equivalent rates for federal hires.
52.222-43		Fair Labor Standards Act and Service Contract Act – price adjustment (multiple year and option contracts).
52.222-44		Fair Labor Standards Act and Service Contract Act – price adjustment



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<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
52.222-47		SCA minimum wages and fringe benefits applicable to successor contractor collective bargaining agreements (CBA).
52.222-48		Exemption from application of Service Contract Act provisions for contracts for maintenance, calibration, and/or repair of certain information technology, scientific and medical and/or office and business equipment – contractor certification.
52.222-49		Service Contract Act place of performance unknown.
52.223-4		Recovered material certification.
52.223-9		Estimate of percentage of recovered material for EPA-designated products.
52.242-2		Production progress reports.
52.244-2		Subcontracts.
52.245-18		Special test equipment.
52.245-2		Terms and conditions for Government property.
52.245-5		Government property (cost-reimbursement, time-and-material, or labor-hour contracts).
52.245-7		Government property (consolidated facilities).
52.245-10		Government property (facilities acquisition).
52.245-11		Government property (facilities use).
52.245-19		Government property furnished “as is.”
52.246-2		Inspection of supplies – fixed-price.
52.246-3		Inspection of supplies – cost-reimbursement.
52.246-4		Inspection of services – fixed-price.
52.246-5		Inspection of services – cost reimbursement.
52.246-11		Higher-level contract quality requirement.
52.246-15		Certificates of conformance.
52.246-16		Responsibility for supplies.
52.247-29 thru 52 247-44		Packing, marking and delivery points.
52.251-1		Government supply sources.
53.2		Prescription of Forms This subpart prescribes standard forms and references optional forms and agency-prescribed forms for use in acquisition. Consistent with the approach used in Subpart 52.2, this subpart is arranged by subject matter, in the same order as, and keyed to, the parts of the FAR in which the form usage requirements are addressed.

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## Other KSAs

1. Knowledge of types of requirements documents and the pros and cons of each type (design, functional, performance).
2. Knowledge of the impact of different types and forms of requirements documents on inspection and acceptance, and responsibility for performance.
3. Knowledge of the relationship between the requirements document and potential problems and issues in contract administration.
4. Knowledge of techniques used in determining commerciality of supplies and services.
5. Knowledge of the relationship between specifications and market competition; in terms of barriers to entering markets, predatory and exclusionary tactics; unfair and unethical competition; restraint of trade; and monopolization.
6. Knowledge of the relationship between line and staff authority.
7. Knowledge of the role of service departments such as procurement in supporting line managers on mission accomplishment.
8. Knowledge of typical elements of a statement of work.
9. Knowledge of potential liabilities incurred by the Government for Government furnished property (GFP), such as:
  - Excusable delays for late or defective GFP.
  - Disruptions and production inefficiencies due to late or defective GFP.
  - Cost of repair or replacement of defective GFP.
10. Knowledge of the criteria for distinguishing advisory and assistance services from other types of services.
11. Knowledge of the criteria for distinguishing between personal and nonpersonal services.
12. Knowledge of the existence of different labor rates for different classifications of labor.
13. Knowledge of the fundamental economic principles of supply and demand.
14. Ability to communicate and exercise leadership in working with line managers.
15. Ability to apply sound business judgment and reasoning in bond-related decisions.
16. Ability to conscientiously examine the detailed information associated with defining Government requirements.
17. Ability to make decisions in the Government's best interest based on available information.
18. Ability to maintain the honesty and integrity of the acquisition process.

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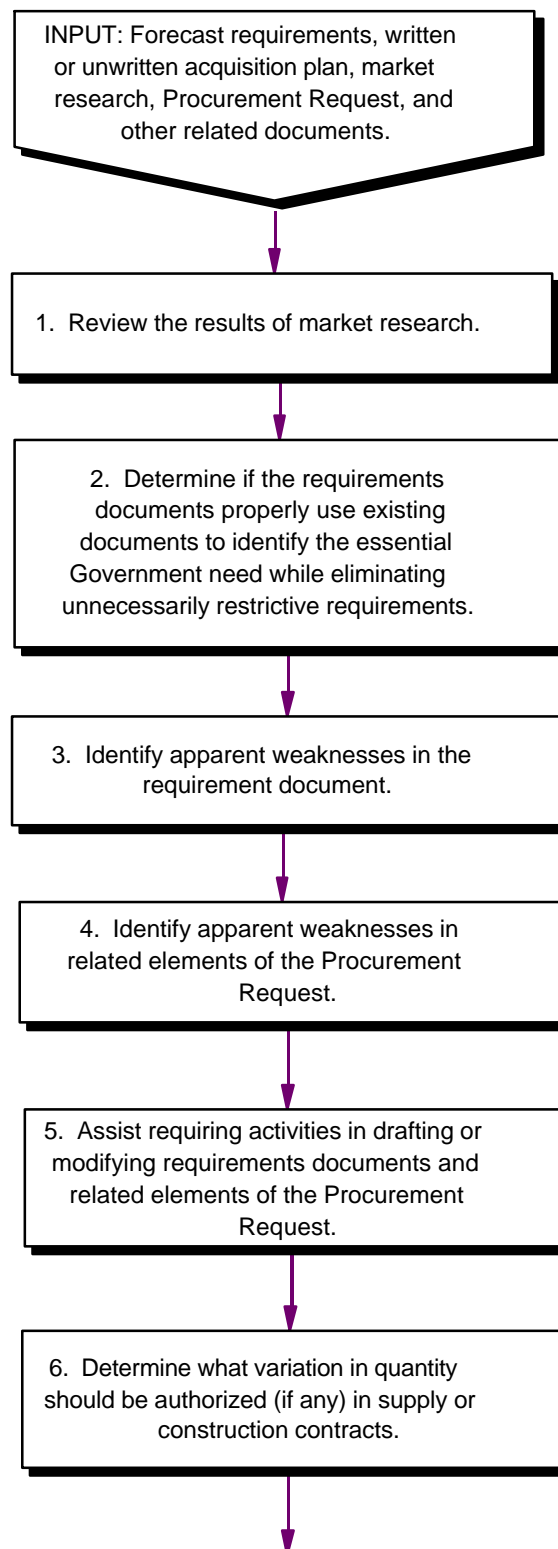
## Other Policies and References (Annotate As Necessary):

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## Part A: Requirements Documents Analysis

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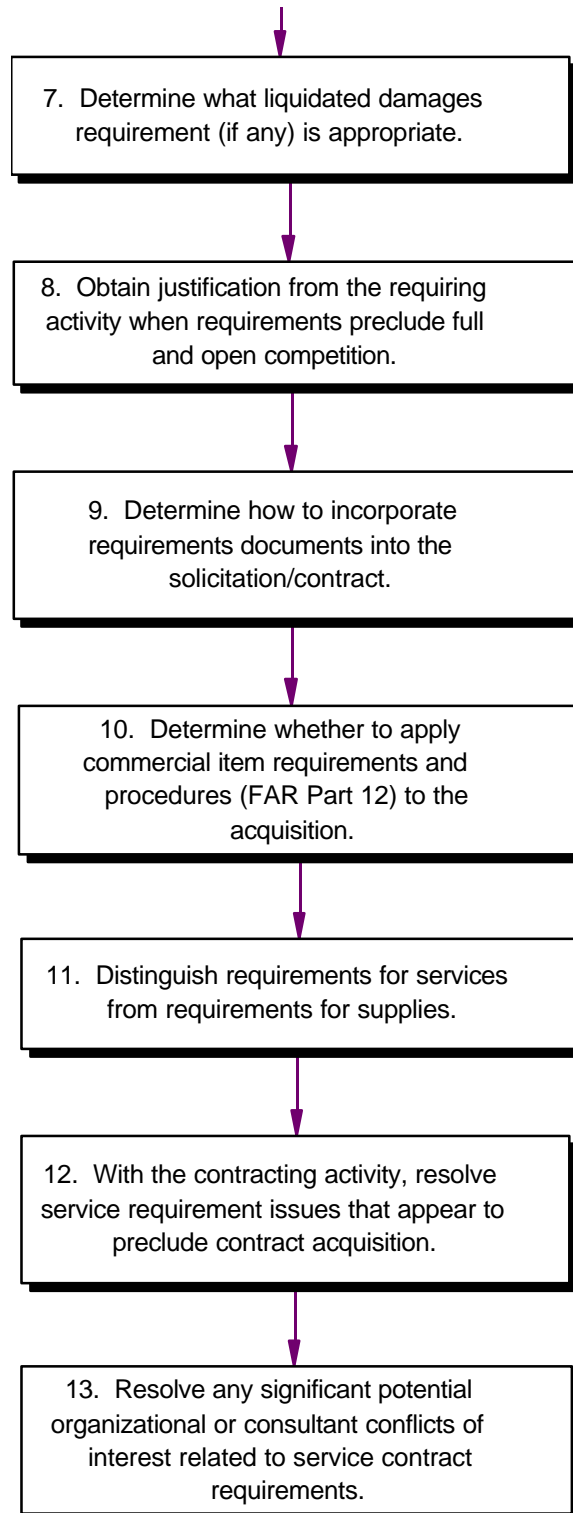


# UNIT 4: REQUIREMENTS ANALYSIS

## Part A: Requirements Documents Analysis

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# UNIT 4: REQUIREMENTS ANALYSIS

## Part A: Requirements Documents Analysis

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Tasks	Related Standards
1. Review the results of market research.	In particular, look for: <ul style="list-style-type: none"><li>• Commercial items or NDIs that can satisfy the stated requirement.</li><li>• Requirement documents used in past Federal contracts for the same or like requirements and problems (if any) related to those documents (e.g., the document precluded the acquisition of commercially available items).</li><li>• Feedback from suppliers indicating that previously-used requirements are:<ul style="list-style-type: none"><li>- Unreasonably restrictive;</li><li>- Not essential;</li><li>- Obsolete; or</li><li>- Vague.</li></ul></li></ul>
2. Determine if the requirements documents properly use existing documents to identify the essential Government need while eliminating unnecessarily restrictive requirements.	Consider the following order of precedence: Documents mandated for use by law or regulation pursuant to law. <ul style="list-style-type: none"><li>• Performance-based contract consideration – Provide rationale if a performance based contract will not be used or if a performance based contract for services is not contemplated on other than a fixed price performance basis;</li><li>• Performance-oriented documents such as:<ul style="list-style-type: none"><li>- Non-government standards;</li><li>- Commercial item descriptions;</li><li>- Federal specifications and standards from the Federal Standardization Manual, FSPM-0001; or</li><li>- Military specifications and standards from DoD 4120-3 – M, Defense Standardization Program Policies and Procedures.</li></ul></li><li>• Design-based documents such as:<ul style="list-style-type: none"><li>- Non-government standards;</li><li>- Federal specifications and standards; or</li><li>- Military specifications and standards.</li></ul></li><li>• Agency-unique standards, specifications,</li></ul>

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## Part A: Requirements Documents Analysis

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Tasks	Related Standards
	and related publications issued by the government outside the military or Federal series for the non-repetitive acquisition of NDIs.
3. Identify apparent weaknesses in the requirement document.	<p>Common weaknesses include:</p> <ul style="list-style-type: none"><li>• Use of design characteristics (e.g., describing exact components) for requirements that can with equal or greater accuracy be described using function or performance requirements.</li><li>• Use of fixed minimum performance requirements rather than performance targets, when market research data suggests that the Government is likely to benefit by providing offerors the flexibility to propose price/performance tradeoffs.</li><li>• Brand name or equal purchase description that does not include a general description of salient characteristics that an item must meet to be considered equal.</li><li>• Failure to provide sufficient detail for a potential offeror to know which of its commercial products or services to offer.</li><li>• Specification of a particular brand name, product, or a feature of a product that is peculiar to one manufacturer, thereby unnecessarily precluding other products.</li><li>• Other unreasonably restrictive requirements.</li><li>• Nonessential or obsolete requirements.</li><li>• Ambiguous or vague terms.</li><li>• Unclear contractor responsibilities.</li><li>• Omission of essential requirements.</li><li>• Requirements do not preclude inadequate products or services.</li><li>• Failure to use metric measurements where warranted.</li><li>• Requirements that unreasonably restrict the use of commercial (or other</li></ul>

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## Part A: Requirements Documents Analysis

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Tasks	Related Standards
	<p>nondevelopmental) components.</p> <ul style="list-style-type: none"> <li>• Requirements are too broad to manage effectively.</li> <li>• Requirements unreasonably restrict the use of environmentally preferable or more energy efficient products or services.</li> </ul>
<p>4. Identify apparent weaknesses in related elements of the Procurement Request.</p>	<p>Based on data from market research, review requirements for:</p> <ul style="list-style-type: none"> <li>• Inspection and acceptance criteria and requirements (including any requirements for first article testing);</li> <li>• Quality assurance surveillance plans for service contracts;</li> <li>• Delivery or performance schedule;</li> <li>• Packaging, packing, preservation, and marking; or</li> <li>• Contract administration.</li> </ul>
<p>5. Assist requiring activities in drafting or modifying requirements documents and related elements of the Procurement Request.</p>	<p>Assist the requiring activity as needed to eliminate apparent weaknesses identified in the requirements documents and related elements of the Procurement Request.</p>
<p>6. Determine what variation in quantity should be authorized (if any) in supply or construction contracts.</p>	<p>Consider authorizing:</p> <ul style="list-style-type: none"> <li>• A Variation in Quantity (FAR 52.211-16) in a supply contract if the variation is caused by conditions of loading, shipping, packing, or allowances in the manufacturing process. The amount of variation allowed should be stated as a percentage and should be no larger than necessary to afford the contractor reasonable protection. In no case should it be larger than 10 percent unless a different limitation is set by the agency.</li> <li>• Delivery of an Excess Quantity (FAR 211-17) in a supply contract when small dollar over shipments could result in unnecessary administrative costs related to determining disposition of the excess quantity.</li> <li>• Variation in Estimated Quantity in a</li> </ul>

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## Part A: Requirements Documents Analysis

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Tasks	Related Standards
	construction contract when variation in the estimated quantity may merit an equitable adjustment in price or performance period.
7. Determine what liquidated damages requirement (if any) is appropriate.	As you consider a liquidated damages requirement: <ul style="list-style-type: none"><li>• Only provide for liquidated damages when both:<ul style="list-style-type: none"><li>- The time of delivery or performance is such an important factor in the award of the contract that the Government may reasonably expect to suffer damage if the delivery or performance is delinquent; and</li><li>- The extent or amount of such damage would be difficult or impossible to ascertain or prove.</li></ul></li><li>• Consider the probable effect on such matters as pricing, competition, and the costs and difficulties of contract administration.</li><li>• Establish the rate on a case-by-case basis, because a rate set without any reference to probable actual damages may be considered a penalty and therefore unenforceable. Consider:<ul style="list-style-type: none"><li>- A dollar maximum amount, period of time, or both.</li><li>- A declining rate over specified time periods.</li></ul></li></ul>
8. Obtain justification from the requiring activity when requirements preclude full and open competition.	The requiring activity must provide sufficient written justification to support the need for the restrictive requirements when: <ul style="list-style-type: none"><li>• Only one source can meet agency requirements; or</li><li>• The urgent requirement precludes competition.</li></ul>



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## Part A: Requirements Documents Analysis

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Tasks	Related Standards
9. Determine how to incorporate requirements documents into the solicitation/contract.	<p>All requirements must be clearly identified in the solicitation/contract.</p> <ul style="list-style-type: none"><li>• Generally incorporate by reference any requirements documents listed in GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (GSA Index), the DoD Index of Specifications and Standards (DoDISS), or other agency index. Clearly identify the approval date and the dates of any applicable amendment(s) or revision(s). These documents are generally not provided to the prospective offerors, because they can be obtained from FAR-identified sources.</li><li>• Clearly identify any documents not listed in the GSA Index or DoDISS. These documents should be provided with the solicitation or specific instructions provided on how to obtain them.</li><li>• References to other documents must:<ul style="list-style-type: none"><li>- Be restricted to documents, or appropriate portions of documents, that apply in the acquisition;</li><li>- Cite the extent of their applicability;</li><li>- Not conflict with other documents and provisions of the solicitation; and</li><li>- Identify all applicable first-tier references.</li></ul></li></ul>
10. Determine whether to apply commercial item requirements and procedures (FAR Part 12) to the acquisition.	<p>Use commercial item requirements and procedures to acquire commercial items as defined in FAR 2.101.</p>
11. Distinguish requirements for services from requirements for supplies.	<p>Correctly determine if the purchase documents require the contractor to perform services (which may include providing supplies) or merely deliver supplies.</p>
12. With the contracting activity, resolve service requirement issues that appear to preclude contract acquisition.	<p>Elements of the requirement that may preclude acquisition of services by contract include the following. The requirement:</p> <ul style="list-style-type: none"><li>• Appears to be a personal service that is</li></ul>

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## Part A: Requirements Documents Analysis

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Tasks	Related Standards
	<p>not specifically authorized by statute for contract acquisition.</p> <ul style="list-style-type: none"><li>• Appears to require the contractor to perform of an inherently Government function.</li><li>• For temporary services:<ul style="list-style-type: none"><li>- Appears to be an attempt to circumvent regular recruitment under civil service laws or to displace a Federal employee.</li><li>- Does not appear to comply with applicable statutes and agency procedures</li></ul></li><li>• For advisory and assistance services, appears to:<ul style="list-style-type: none"><li>- Require the contractor to perform policy, decision-making, or managerial functions that are the direct responsibility of agency officials.</li><li>- Bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.</li><li>- Indicate a preference for contracting with former Government employees.</li><li>- Require the contractor to aid in influencing or enacting legislation.</li><li>- Require the contractor to provide professional or technical advice that is readily available within the agency or another Federal agency.</li></ul></li></ul>
13. Resolve any significant potential organizational or consultant conflicts of interest related to service contract requirements.	<p>When an acquisition involves a significant potential conflict of interest:</p> <ul style="list-style-type: none"><li>• Submit the following to the chief of the contracting office or higher-level official designated by the agency:<ul style="list-style-type: none"><li>- Prepare a written analysis, including a recommended course of action for avoiding, neutralizing, or mitigating the conflict.</li><li>- Draft a solicitation provision that brings the requirements of FAR 9.5 to the attention of prospective offerors and</li></ul></li></ul>

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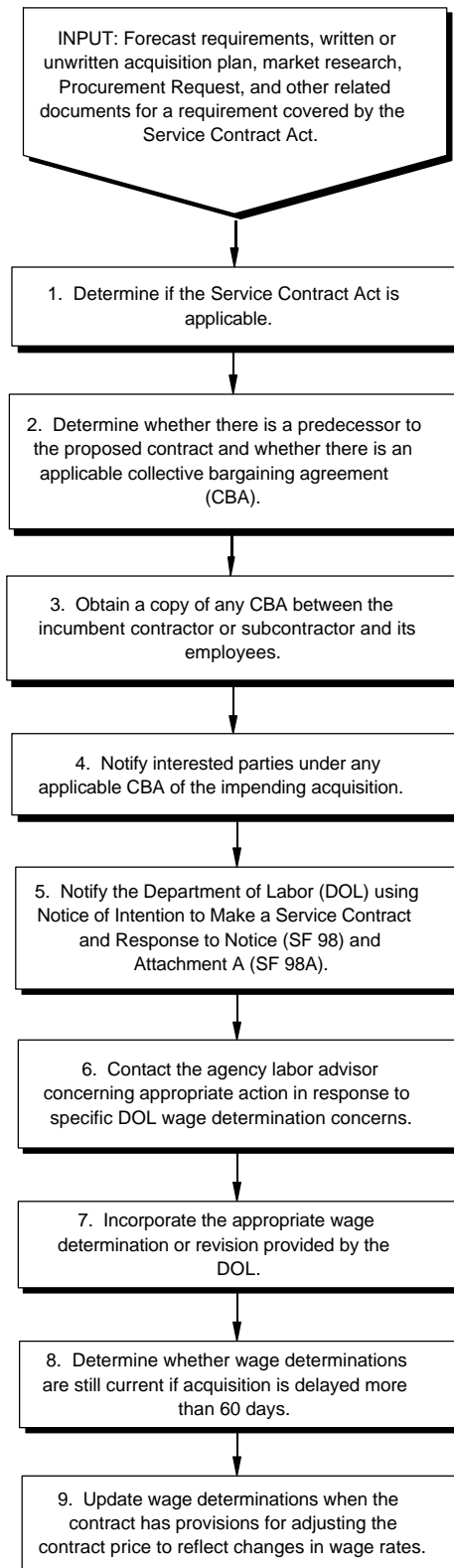
Tasks	Related Standards
	<p>states the nature of the prospective conflict, proposed restraints on future activities, and whether or not related contract requirements are subject to negotiation.</p> <ul style="list-style-type: none"><li>- A proposed contract clause (when appropriate).</li><li>• Include the approved provision and any approved clause in the solicitation.</li><li>• Based on the information supplied by the offeror in response to the solicitation or during discussions, resolve the potential conflict.</li></ul>

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## Part B: Service Contract Act Requirements Analysis

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Tasks	Related Standards
1. Determine if the Service Contract Act is applicable.	<p>Correctly consider the requirements of the provisions at FAR 22.10 and related statutes including the following:</p> <ul style="list-style-type: none"><li>• The Service Contract Act applies to any service contract over \$2,500 unless exempted from the requirement. For purposes of the Act, a service contract is any contract with the principle purpose of requiring the contractor to furnish services in the United States through the use of service employees and any subcontract at any tier there under.</li><li>• Exemptions include:<ul style="list-style-type: none"><li>- Construction (covered by Davis-Bacon).</li><li>- Work covered by Walsh-Healy.</li><li>- Transport of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect.</li><li>- Radio, telephone, telegraph, and cable service subject to the Communications Act of 1934.</li><li>- Public utility services.</li><li>- Employment contracts between individual(s) and the Federal agency.</li><li>- Any contract for operation postal contract stations for the U.S. Postal Service.</li><li>- Any administrative limitations, variations, tolerances, or exceptions by the Secretary of Labor.</li></ul></li></ul>
2. Determine whether there is a predecessor to the proposed contract and whether there is an applicable collective bargaining agreement (CBA).	If there is a predecessor contract, correctly determine whether the incumbent prime contractor or its subcontractors and any of their employees have a collective bargaining agreement.
3. Obtain a copy of any CBA between the incumbent contractor or subcontractor and its employees.	Correctly apply the criteria in 22.1008-3(c) in determining whether to request a copy of any collective bargaining agreement. The contractor is required to provide a copy of

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Tasks	Related Standards
	any applicable CBA by FAR 52.222-41(m).
4. Notify interested parties under any applicable CBA of the impending acquisition.	When the incumbent prime contractor or its subcontractors service employees performing on the current contract are represented by a collective bargaining agent, notify the incumbent contractor and its employee's collective bargaining agent of the forthcoming successor contract and the applicable acquisition dates as required by FAR 22.1010. Written notification must be given at least 30 days in advance of the earliest applicable acquisition date.
5. Notify the Department of Labor (DOL) using Notice of Intention to Make a Service Contract and Response to Notice (SF 98) and Attachment A (SF 98a).	The completed SF98 and 98(a) should conform to the requirements of FAR 22.1008. Submit the SF98 and 98a within the time limits established in FAR 22.1008-7.
6. Contact the agency labor advisor concerning appropriate action in response to specific DOL wage determination concerns.	<p>Consult the agency labor advisor concerning a wage determination that: (FAR 22.1013)</p> <ul style="list-style-type: none"> <li>• Does not conform with the wages and fringe benefits prevailing in the locality;</li> <li>• Is based on an incumbent or predecessor contractor's CBA that was not the result of arm's length negotiations; or</li> <li>• Contains significant errors or omissions.</li> </ul> <p>Action must be timely within the limits prescribed in FAR 22.1021.</p>
7. Incorporate the appropriate wage determination or revision provided by the DOL.	Comply with the requirements of FAR 22.1012 to incorporate the wage determination or revision and other provisions and clauses prescribed by the Service Contract Act in the solicitation.
8. Determine whether wage determinations are still current if acquisition is delayed more than 60 days.	Contact the DOL if the invitation for bids, request for proposals, bid opening, or the commencement of negotiations is delayed for more than 60 days from the date in the Notice.
9. Update wage determinations when the contract has provisions for adjusting the contract price to reflect	Request updated wage determinations when the conditions in FAR 22.1007 apply. Typical examples include:

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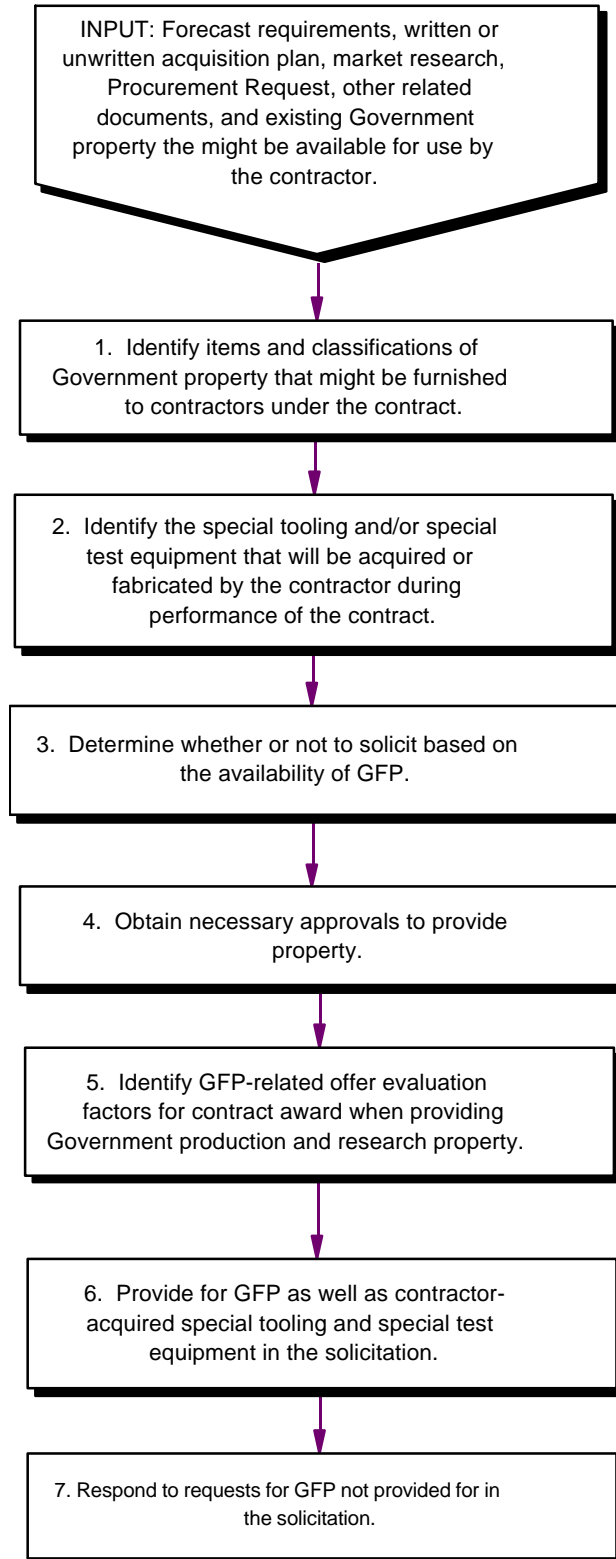
Tasks	Related Standards
changes in wage rates.	<ul style="list-style-type: none"><li>• Contract modifications that change the scope of work whereby labor requirements are affected significantly.</li><li>• Exercise of options or other such extensions of contract performance.</li><li>• Multiple year contracts.</li></ul> <p>Prepare the SF98 and 98a as prescribed in FAR 22.1008. Submit the SF98 and 98a within the time limits established in FAR 22.1008-6.</p>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part C: Government Furnished Property Requirements Analysis

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# UNIT 4: REQUIREMENTS ANALYSIS

## Part C: Government Furnished Property Requirements Analysis

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Tasks	Related Standards
<p>1. Identify items and classifications of Government property that might be furnished to contractors under the contract.</p>	<p>Use requiring activity recommendations, acquisition histories, and feedback from prospective offerors to identify Government property items and types that might facilitate economic and effective contract performance. Most items of Government furnished property (GFP) will fall into one of the following classifications:</p> <ul style="list-style-type: none"> <li>• Facilities (FAR 45.301);</li> <li>• Material (FAR 45.301);</li> <li>• Production and research property (FAR 45.301);</li> <li>• Special tooling (FAR 45.101);</li> <li>• Special test equipment (FAR 45.101);</li> <li>• Agency-peculiar property (FAR 45.301);</li> <li>• Motor vehicles.</li> </ul>
<p>2. Identify the special tooling and/or special test equipment that will be acquired or fabricated by the contractor during performance of the contract.</p>	<p>Using technical evaluations and other available information, identify the special tooling and/or special test equipment that will be acquired or fabricated by the contractor during contract performance</p>
<p>3. Determine whether or not to solicit based on the availability of GFP.</p>	<p>Correctly identify FAR policy and other constrains affecting the decision on whether to provide GFP:</p> <ul style="list-style-type: none"> <li>• For FAR policy on providing: <ul style="list-style-type: none"> <li>- Facilities see FAR 45.302);</li> <li>- Material see FAR 45.303);</li> <li>- Production and research property (FAR 45.308);</li> <li>- Special tooling see FAR 45.306);</li> <li>- Special test equipment see FAR 45.307);</li> <li>- Agency-peculiar property (FAR 45.310);</li> <li>or</li> <li>- Motor vehicles see FAR 45.304.</li> </ul> </li> <li>• In addition to FAR policy, there may be other constraints to furnishing Government property, such as property: <ul style="list-style-type: none"> <li>- Availability;</li> <li>- Condition; or</li> </ul> </li> </ul>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part C: Government Furnished Property Requirements Analysis

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Tasks	Related Standards
	- Mobility.
4. Obtain necessary approvals to provide property.	Correctly prepare any necessary justification and/or Determination and Findings (D&F) required to obtain the necessary approval (e.g., the D&F prescribed by FAR 45.302-1(a)(4) for issuance by the agency head or designee).
5. Identify GFP-related offer evaluation factors for contract award when providing Government production and research property.	<p>Comply with the requirements of FAR 45.201 and 45.202. See Unit XX.</p> <ul style="list-style-type: none"> <li>• Establish a rental equivalent evaluation factor or a property rental charge in the contract where necessary to eliminate the competitive advantage accruing to a contractor possessing Government production and research property.</li> <li>• Establish other evaluation factors to cover all costs or savings to the Government related to providing the property, regardless of any competitive advantage that may result.</li> </ul>
6. Provide for GFP as well as contractor-acquired special tooling and special test equipment in the solicitation.	<p>Clearly provide for GFP as well as contractor-acquired special tooling and special test equipment. (FAR 45.205 and 45.310):</p> <ul style="list-style-type: none"> <li>• Specify the GFP in sufficient detail (including requisition procedures) to enable offerors to evaluate it accurately.</li> <li>• Identify whether the contractor (normally) or the Government will assume costs related to making Government production and research property available for use.</li> <li>• Describe property-related offer evaluation factors for contract award.</li> <li>• Require the offeror to identify all Government production and research property proposed for use.</li> <li>• State that use of Government production and research property other than that identified in the solicitation will not be authorized unless approved in writing by the cognizant Contracting Officer and rent is charged or the contract price reduced.</li> </ul>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part C: Government Furnished Property Requirements Analysis

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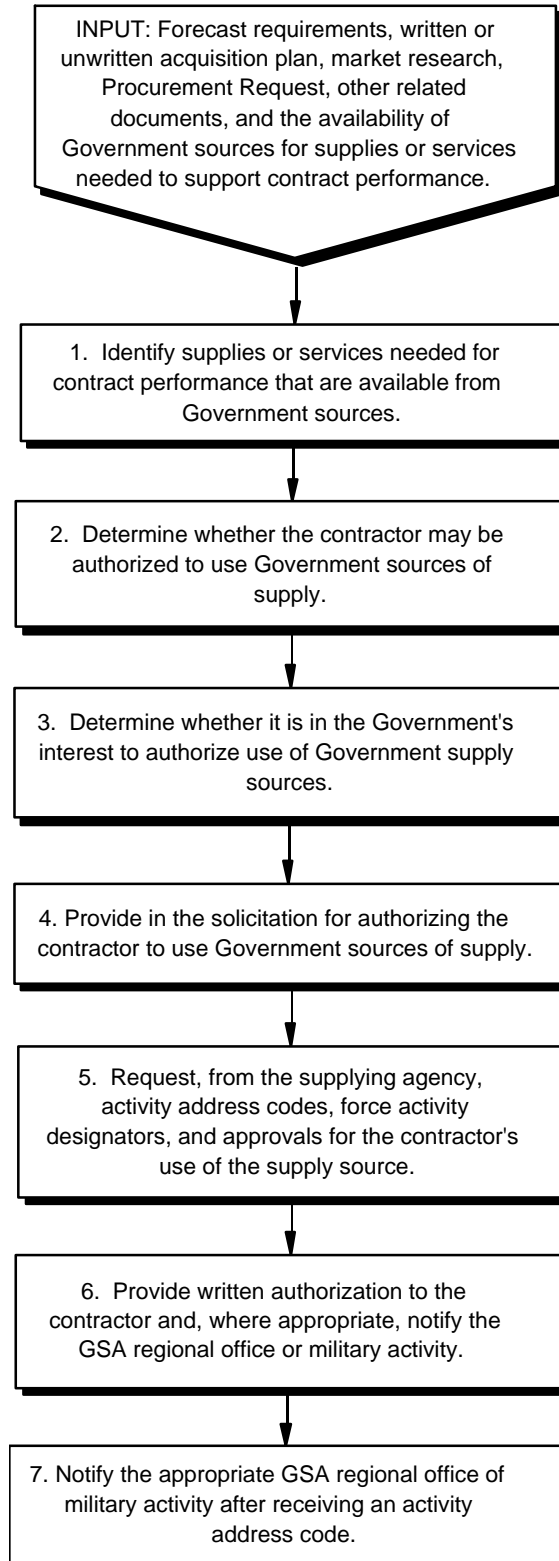
Tasks	Related Standards
	<ul style="list-style-type: none"><li>• Provide special security instructions, liability, maintenance, and/or property control, for Government-peculiar property that requires special handling or safeguards.</li><li>• Include the appropriate Government Property clause.</li><li>• Include the Special Tooling (FAR 52.245-17) clause when a fixed-price contract is will include Government-furnished or contractor-acquired special tooling.</li><li>• Include the Special Test Equipment (FAR 52.245-18) clause in a negotiated contract when the contractor will acquire unspecified special test equipment.</li><li>• Identify special test equipment or components to be contractor-acquired during contract performance. Items ≤ \$5,000 may be grouped by category.</li></ul>
7. Respond to requests for GFP not provided for in the solicitation.	<p>If an offeror requests the use of GFP not identified in the solicitation, consider the:</p> <ul style="list-style-type: none"><li>• Availability of the GFP to support contract performance; and</li><li>• Need for an amendment to make other offerors aware of the availability of the GFP for contract performance or revise offer evaluation criteria to equitably evaluate the proposal.</li></ul>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part D: Government Sources of Supply Requirements Analysis

September 2004

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# UNIT 4: REQUIREMENTS ANALYSIS

## Part D: Government Sources of Supply Requirements Analysis

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Tasks	Related Standards
1. Identify supplies or services needed for contract performance that are available from Government sources.	Correctly identify supplies or services available from Government sources such as: <ul style="list-style-type: none"><li>• General Services Administration supply sources;</li><li>• Department of Defense (DoD) supply sources;</li><li>• Department of Veterans Affairs (VA) supply sources;</li><li>• Committee for Purchase From People Who Are Blind or Severely Disabled;</li><li>• Department of Interior, Bureau of Land Management, for Helium.</li><li>• Interagency Fleet Management System for vehicles and related services; and</li><li>• Federal Supply Schedules.</li></ul>
2. Determine whether the contractor may be authorized to use Government sources of supply.	Correctly determine whether the contractor may be authorized to use Government sources of supply following the policy at FAR 51.101. Contractors may be authorized when: <ul style="list-style-type: none"><li>• Working under a cost-reimbursement contract.</li><li>• Working under other types of negotiated contracts when a substantial dollar portion of the contractor's contracts is cost reimbursement.</li><li>• There is a need for security equipment when a fixed-price contract involves protection of classified information.</li><li>• Performing a contract under the Javits-Wagner-O'Day Act if:<ul style="list-style-type: none"><li>- The nonprofit agency requesting use of the supplies and services is providing a commodity or service to the Federal Government, and</li><li>- The supplies or services received are directly used in making or providing a commodity or service approved by the Committee for Purchase From People Who Are Blind or Severely Disabled to</li></ul></li></ul>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part D: Government Sources of Supply Requirements Analysis

September 2004

Tasks	Related Standards
	<p>the Federal Government.</p> <ul style="list-style-type: none"> <li>• The contractor is purchasing supply items for Government use.</li> </ul>
<p>3. Determine whether it is in the Government's interest to authorize use of Government supply sources.</p>	<p>The determination must be based on but not limited to the following factors identified in FAR 51.102 (a). When making a determination for:</p> <ul style="list-style-type: none"> <li>• Cost-reimbursement contracts and contractors with substantial dollars in cost-reimbursement contracts, the Contracting Officer may only authorize use after making a written finding that considers:               <ul style="list-style-type: none"> <li>- The administrative cost of placing orders with Government supply sources and program impact of delay factors (if any);</li> <li>- The lower cost of items available through Government supply sources;</li> <li>- Suitability of items available from Government supply sources;</li> <li>- Deliver factors such as cost and time; and</li> <li>- Recommendations of the contracts.</li> </ul> </li> <li>• Javits-Wagner-O'Day Act contracts, the Contracting Officer must document that the agency is supplying supplies or services to the Government and the supplies or services received are used directly in that effort.</li> <li>• Contractors purchasing supplies for Government use, no documentation is required.</li> </ul>
<p>4. Provide in the solicitation for authorizing the contractor to use Government sources of supply.</p>	<p>When the Contracting Officer determines that it may be in the Government's interest to authorize the contractor to use Government sources of supply, incorporate Government Supply Sources clause (FAR 52.251-1) in the solicitation. If a facilities contract is contemplated use Alternate I.</p>

# UNIT 4: REQUIREMENTS ANALYSIS

## Part D: Government Sources of Supply Requirements Analysis

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Tasks	Related Standards
5. Request, from the supplying agency, activity address codes, force activity designators, and approvals for the contractor's use of the supply source.	The request should conform to the requirements of FAR 51.102(c) and (d).
6. Provide written authorization to the contractor and, where appropriate, notify the GSA regional office or military activity.	The authorization should conform to the requirements of FAR 51.102(e) and make the contractor aware of the ordering information in FAR 51.103.
7. Notify the appropriate GSA regional office or military activity after receiving an activity address code.	Notify the GSA regional office or military activity so that ordering information, instruction, and assistance can be provided to the contractor.