

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and ELSA Programs



Washington Oversight Division
1900 E Street, N.W.
Washington, DC 20415

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [name]

Agency classification: Procurement Analyst
GS-1102-11

Organization: Contracting Section
Administrative Branch
Facilities Management and Operations
Division
[geographic designation] Area
Agricultural Research Service
U.S. Department of Agriculture
[city and State]

OPM decision: Contract Specialist
GS-1102-11

OPM decision number: C-1102-11-02

Richard Quasney
Classification Appeals Officer

October 28, 1998
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the title of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant]

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Introduction

On August 5, 1998, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Procurement Analyst, GS-1102-11, in the Contracting Section, Administrative Branch, of the Facilities Management and Operations Division, in the [geographic designation] Area of the Agricultural Research Service (ARS), Department of Agriculture, in [city and State]. [Appellant] requested that her position be classified as Procurement Analyst, GS-1102-12. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

An on-site position audit was conducted by a Washington Oversight Division representative on October 19, 1998, including an interview with the appellant's first-line supervisor, Mr. Michael Wyckoff. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and her agency, including her official position description, number 6B5227, classified by the servicing personnel office as Procurement Analyst, GS-1102-11, on August 12, 1997, and later recertified on June 5, 1998.

Position Information

The purpose of the Contracting Section is to provide acquisition services for the ARS [geographic designation] Area. The section is comprised of the appellant's position, three GS-11 contract specialists (one position recently vacated), two purchasing agents, and two procurement assistants. There are also nine purchasing agents assigned throughout the five research institutes (including the National Arboretum) that constitute the overall [geographic designation] organization. Within this context, the appellant performs the full range of contracting functions for assigned contracts (primarily construction and architectural/engineering), with warrant authority of \$500,000 for construction, supplies, and services, and \$50,000 for architectural/engineering. Since she is the only specialist in the section with warrant authority besides the supervisor, she also serves as Contracting Officer for specified contracts assigned to the GS-11 contract specialists, to include providing ongoing technical guidance and assistance throughout the procurement process and assuming technical responsibility for the completed action. The appellant reported that these direct contracting functions comprise approximately 50 percent of her time. She also provides technical oversight and review of the [geographic designation] Area's small purchasing program; develops guidance material for the purchasing agents on revised policies and procedures; and conducts procurement training workshops on a recurring basis. The appellant reported that these functions probably comprise about 25 percent of her overall time. The remainder of her time is spent on other duties that directly support the section chief, such as researching regulations, conducting special studies as needed, preparing consolidated reports, and acting for him in his absence.

Series Determination

The appellant's position is properly assigned to the Contracting Series, GS-1102, which covers positions that perform professional work involving the procurement of supplies, services, construction, or research and development using formal advertising or negotiation procedures. Neither the appellant nor the agency disagrees.

Title Determination

The title “Contract Specialist” covers positions which require a knowledge of preaward and postaward procedures to plan and conduct the contracting process from the description of the requirements through contract delivery; positions which require a knowledge of two or more contract functions (such as negotiation, administration, or termination) with none predominant or grade-controlling; or other contract work not covered by any of the various specializations.

The title “Procurement Analyst” covers positions which require a broad knowledge of procurement policies and procedures to plan, analyze, or evaluate procurement programs; review proposed contractual actions for conformance with regulatory requirements; or develop policies and procedures or provide advice and guidance to subordinate activities concerning a variety of procurement issues. Procurement analyst positions normally only exist at higher organizational levels because of the inherent requirement for reviewing, evaluating, and providing technical guidance to subordinate activities responsible for the independent conduct of their own procurement programs. Within this context, proposed contractual actions would be reviewed where the activity’s delegated contracting authority is exceeded. In short, procurement analyst positions perform staff work involved in the oversight of subordinate procurement programs rather than operating-level contracting work concerned with the direct procurement of items or services through formal advertising or negotiation.

The predominant work of the appellant’s position is the performance of the full range of operating-level contracting activities (i.e., those performed in the capacity of Contracting Officer for individual acquisitions and other associated duties such as reports preparation). As such, the position is correctly titled as Contract Specialist. Other duties involved in the review of the organization’s purchasing activities and the provision of technical guidance and training to purchasing agents, although functionally related to the work performed by procurement analysts, are also properly covered under the Contract Specialist designation, as other contract work not specifically covered by the various specializations.

Standard Determination

The appellant is responsible for providing technical guidance and assistance to, and reviewing the work of, the other GS-11 contract specialists in the section on those contracts for which she is the designated Contracting Officer. She may also provide more limited, informal assistance as needed on other contracts. The appellant has no supervisory responsibilities, such as planning, scheduling, assigning, and directing work, administering supervisory personnel functions (such as approving leave, recommending promotions, or taking disciplinary action), or evaluating performance, that would allow her position to be evaluated using the General Schedule Supervisory Guide. Likewise, her position does not meet the requirements for evaluation using the General Schedule Leader Grade Evaluation Guide. The Leader Guide is used to classify positions whose primary purpose is, as a regular and recurring part of their assignment and at least 25 percent of their duty time, to lead a team of other GS employees when certain minimum authorities and responsibilities are exercised. These minimum requirements include:

- communicating the organization's strategic plan, mission, and values to the team and integrating these into the team's strategies, objectives, and work plans and products;
- communicating to the team the assignments, milestones, and program issues and the deadlines and time frames for completion;
- providing advice on work methods and procedures and on appropriate problem-solving techniques;
- identifying, distributing, and balancing workload among employees;
- providing or arranging for specific administrative or technical training of team members;
- monitoring and reporting on the status of work, checking on work in progress, and reviewing completed work; and
- serving as facilitator in coordinating team initiatives and in consensus building activities among team members.

The guide also specifies other requirements, but the above responsibilities are the threshold requirements that must initially be met for application of the guide's grade-level criteria. These additional requirements relate primarily to serving as intermediary between team members and the supervisor in such matters as requesting additional resources (e.g., upgraded equipment, use of overtime), reporting on individual work accomplishments and training needs, and conveying findings and recommendations; and in such quasi-supervisory functions as approving emergency leave, resolving informal complaints, informing employees of available benefits, and recommending awards, reassignments, promotions, tour of duty changes, and performance ratings. Specifically excluded from consideration are those positions that have functional project responsibility but do not lead other workers on a continuing basis.

The appellant does not lead a defined "team" in the sense intended by the guide, in that she provides technical guidance and assistance to other contract specialists only on those contract actions for which she is the designated Contracting Officer rather than on all of their work. In this sense, her responsibility is primarily for the technical accuracy and propriety of the contract documents (i.e., "functional project responsibility" specifically excluded from coverage by the guide) rather than for the operation of a team of other employees. Further, her position does not meet several of the minimum requirements specified above. She does not, for example, communicate and integrate the organization's strategic plan and values, communicate assignments and projects, distribute workload, arrange for training of team members, or report to the supervisor on the status and progress of team members' work. She does not occupy an intermediary role between the section chief and the other contract specialists, either in obtaining resources and training or in participating in some aspects of his supervisory responsibilities. Thus, although she has a certain degree of responsibility for the technical sufficiency of the work performed by the other contract specialists, the limitations inherent

in this role preclude application of the Leader Guide, and these duties may only be considered within the context of the GS-1102 occupational series standard.

As such, the position was evaluated by application of the grade-level criteria provided in the standard for the Contracting Series, GS-1102, dated December 1983. This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

Grade Determination

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

At Level 1-7, the work requires knowledge of a wide range of contracting methods and types to plan and carry out preaward and postaward procurement actions, and familiarity with business practices and market conditions sufficient to evaluate bid responsiveness and contractor performance. For example, at this level the contract specialist may procure complex and/or diversified supplies, services, construction, or research and development, such as architectural and engineering services to design major buildings, structures, facilities, or projects. As another example, the contract specialist may write the activity's operating procedures, interpret procurement regulations and policies for the activity operational procurement specialists, and identify and analyze procurement issues and their impact on local procedures.

The knowledge required by the appellant's position matches Level 1-7. The position requires skill in a wide range of standard contracting techniques to perform such duties as carrying out procurement actions for various architectural/engineering (A/E) services, construction, and some limited services contracts (such as janitorial services, equipment leasing, and wastewater treatment testing); and providing technical guidance, regulatory interpretations, and operating procedures to the activity's contracting specialists and purchasing agents.

The position does not meet Level 1-8. At that level, operating-level work (as opposed to staff-level work performed at higher organizational levels) requires a mastery of contracting methods and types to plan and carry out long-term procurement actions, and familiarity with business strategy and program or technical requirements sufficient to perform or direct in-depth evaluations of the financial and technical capabilities or performance of the contractor. The distinguishing features of this level

are the magnitude and complexity of the systems or services being procured, e.g., extensive ADP acquisitions such as a nationwide teleprocessing system or a multiprocessor mainframe system used in multidisciplinary scientific applications; large Government-owned, contractor-operated installations and facilities; or large hospitals, laboratories, prisons, Federal office buildings, dams, power plants, mints, or other comparable structures. These contracts generally extend over several years and require monitoring of the performance of the contractor and a large number of subcontractors, negotiating frequent and significant contract changes, and administering numerous special provisions.

The items, systems, and services procured by the appellant are not of a comparable degree of magnitude and complexity as those expected at Level 1-8. The A/E and construction services that occupy the majority of her time are for lesser projects than those described above, e.g., landscape architecture and irrigation system for a new garden at the National Arboretum and the installation of new lighting for existing sites; the design and construction of new gas lines; demolition work; and various building renovation and maintenance. Other items, supplies, and services procured have included animal feed, uniforms and laundering services, a piece of laboratory equipment called a hydrodyne, sampling and analysis of sewage plants at the complex, and a storm water management study. These contracts generally do not exceed one year in duration. This work is not of the same level of difficulty as the examples cited at Level 1-8 above either in terms of the size of the projects (e.g., development of a nationwide ADP system or construction of a large hospital, laboratory, or prison), or the consequent complexity of the contracts in terms of special provisions, complex changes while the work is in progress, or the requirement to monitor subcontractor performance.

Level 1-7 is credited.

1250 points

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee plans and carries out the work, determining the approach to be taken or the methodology to be used and initiating necessary coordination with contractors and others. The employee may negotiate alone but keeps the supervisor informed of progress and potential problems. Completed work is reviewed from an overall standpoint in terms of effectiveness in meeting requirements. In some positions, review is minimal, with the employee being delegated contracting officer authority within prescribed dollar amounts.

The appellant's level of responsibility matches Level 2-4. This is the level of the experienced journeyman worker who carries out most of the normal aspects of the job independently. Correspondingly, the appellant plans and conducts her assignments basically on her own initiative, including negotiating with contractors. Because she has delegated warrant authority, technical review

over her work is minimal, with her overall performance being evaluated in terms of general accomplishment.

The position does not meet Level 2-5. At that level, the supervisor provides administrative direction only and makes assignments in terms of broadly defined programs or functions. The employee independently plans and carries out the work, including continual coordination of the various elements involved, and independently negotiates. Work products or advisory services are considered to be technically authoritative. Review of work focuses on such considerations as compatibility with overall management objectives and attainment of goals established in the acquisition plan. Recommendations for new procurement approaches or policies are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improvement in effectiveness of performance of procurement programs at subordinate echelons throughout the agency.

This level represents not only virtual freedom from technical supervision but also a degree of program management responsibility that is lacking in the appellant's position. Although the appellant's contract actions are basically unreviewed, other aspects of her work, such as purchasing program reviews and special studies and reports, are reviewed by the supervisor for sufficiency. Further, she and her supervisor may often discuss the results of any research she may perform regarding unclear regulatory interpretations before they are applied. This is distinguished from the responsibilities described at Level 2-5, where the employee is relied upon to control all aspects of the procurement program or function assigned, including assuming responsibility for overall regulatory conformance. In contrast, the appellant is assigned individual work projects, such as contract actions or special studies, rather than being responsible for an overall procurement program or a major functional subdivision thereof.

Level 2-4 is credited.

450 points

Factor 3, Guidelines

This factor covers the nature of the guidelines used and the judgment needed to apply them.

At level 3-3, precedents and written policies exist for the contracts assigned, including historical data pertinent to price and cost. However, contract actions generally require adaptation by the employee, e.g., adaptation of clauses or provisions to fit the requirements, use of options for additional quantities, or inclusion of special performance requirements. The employee must use judgment in interpreting guidelines, adapting procedures, or recommending solutions for specific problems.

The guidelines used by the appellant are consistent with Level 3-3. Her guidelines consist of procurement rules, regulations, and court decisions, and written agency policy statements and directives. General precedents are usually available for the work, e.g., on recurring contracts for supplies (such as animal feed), on standard maintenance, construction, or demolition work, or on landscaping, paving, and lighting projects. Given that the appellant works within a relatively limited

organizational context (i.e., at the field activity level), many of the projects tend to be continuations or variations of work that has been done before. However, the contract actions usually require adaptation to meet the particular requirements of the project. Although the appellant did describe one instance where she adopted a new type of contract (indefinite delivery/indefinite quantity multiple award A/E contract) for which there was no previous experience, even at the agency level, this was an exception rather than the norm.

The position does not meet Level 3-4. At that level, policies and precedents are available but stated in general terms, or are of limited use. Intensive searches of a wide range of regulations and policy circulars applicable to the numerous and diversified procurement issues encountered are frequently required. Precedents are usually nonexistent or of limited use, e.g., pricing data may be incomplete or limited because of changes in materials or manufacturing processes, or because of lack of experience in the economic, environmental, or health issues involved. The large number of subcontractors or volume of contractual provisions require close monitoring and continuous assessment. Experienced judgment is required in evaluating subordinate procurement programs, in deviating from traditional techniques, or in developing new approaches, criteria, or proposed policies.

The appellant does have to research and interpret procurement regulations and court decisions in the course of her work. However, because the procurement actions are not particularly large or complex, and because of the limitations in procurement diversity imposed by the field location, these interpretive requirements are not as demanding as would otherwise be expected at this level. For example, there are no items being procured where changes in materials or manufacturing processes have rendered available pricing data obsolete, nor are there any specialized services being procured that are so new and unprecedented that no pricing data would be available. Contracts are structured to make the prime contractor fully responsible for the performance of subcontractors. Construction or services being procured are not of the magnitude and complexity to require an extensive volume of contractual provisions. Given the organizational level at which the appellant's position is located, she is not responsible for evaluating subordinate procurement programs. (Reviewing the work of purchasing agents assigned throughout the complex is not comparable to reviewing subordinate programs.) She also does not develop new approaches, policies, or techniques, but rather applies those that have been issued or authorized by the agency or Department.

Level 3-3 is credited.

275 points

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes in the work performed, the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work.

At Level 4-4, the work typically involves varied duties requiring many different and unrelated processes and methods, with full operating competence in the well-established aspects of a contracting assignment. The work involves such complexities as: specialized requirements, such as

special purpose supplies and equipment; knowledge and use of a variety of contract types; inclusion of various provisions; review of the market to determine availability of specialized items or services; unfavorable market conditions, such as frequent price changes, lack of suppliers, or limited competition; and a contractual period ranging from six months to two years. For example, in negotiated procurements, the employee obtains services, supplies, or construction for which previous experience and cost data are not directly applicable, such as applied research, the development of prototype equipment, complex services, or the construction of buildings involving unusual design features or site adaptation.

The complexity of the appellant's work is comparable to Level 4-4. She is assigned the most difficult construction and A/E contracts, many of them involving specialized landscape design at the National Arboretum. She uses a variety of contract types, often including various special provisions. High-quality contractors to perform work at the Arboretum may be difficult to locate. Contracts do not generally exceed one year in duration (excluding supply contracts that may be extended for several years).

The position does not meet Level 4-5. At that level, the work normally involves responsibility as team leader or project officer for a significant procurement assignment involving such complexities as: extensive subcontracting, e.g., missile guidance systems, ship or aircraft overhaul; initial production of equipment, systems, or research and development work; extensive special provisions or cost and performance incentives; critical and scarce materials or advanced A/E design services peculiar to the project or subsystem; analysis of the productive capabilities of manufacturers; requirements for state-of-the-art contractor capabilities; and a contractual period a minimum of two years or more.

The ARS [geographic designation] Area does not provide the context for contracts of this degree of complexity. There is no production, major overhaul, or R&D work, no state-of-the-art development work, or work that is of such magnitude that it would require extensive special provisions and subcontracting and several years for completion.

Level 4-4 is credited.

225 points

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

At Level 5-3, the purpose of the work is to perform a variety of contracting actions using established contracting procedures. Examples include review of clearly defined or well-established procurement requirements; preparation of solicitations, contracts, and supporting documentation; and review of postaward reports and requests for payment where terms and conditions are precisely defined. The employee's work supports the operation of the installation or activity, such as providing equipment and facilities. For example, typical procurements result in the initial purchase of stock listed items

or household goods, custodial services, or repair or alteration of local facilities and equipment. The work has an economic impact on contractors within the local area.

The scope and effect of the appellant's work meet Level 5-3. The appellant carries out a variety of contracting actions, from preaward to postaward, using varied but for the most part established methods. Typical procurements include the purchase of supplies, equipment, and services, and the repair, maintenance, or construction of local facilities. The work supports the operation of the [geographic designation] complex through the provision of needed supplies and services.

The position does not fully meet Level 5-4. At that level, the purpose of the work is to provide expertise as a specialist in a functional area of contracting by furnishing advisory, planning, or reviewing services on specific problems, projects, or programs. Assignments frequently carry contracting officer authority within prescribed money limits. An example would involve planning, coordinating, and leading negotiations for a variety of complex contracts, e.g., those which accommodate possible changes in program requirements, involve subcontractors, require accounting for Government equipment, or involve consolidated requirements for several agencies or departments. The employee's work affects a wide range of procurement activities, such as the operation of procurement programs in various offices or locations, or the accomplishment of significant procurement or technical program goals, and has a significant economic impact on contractors or on their respective geographic areas.

The appellant's position meets this level in respect to having contracting officer authority within prescribed monetary limits, and that in that capacity she provides expertise and planning and reviewing services to other contract specialists within the section.. However, the contracts are not of comparable complexity to those associated with this level, nor does the work have as widespread an impact. The effect of the work is limited to the local installation, rather than across several organizations or throughout a broader geographic area.

Level 5-3 is credited.

150 points

Factor 6, Personal Contacts

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

At Level 6-3, contacts are with employees and managers from outside the employing agency, such as contractors, manufacturers representatives, attorneys, university representatives, or other Federal agencies.

The appellant's personal contacts match Level 6-3, in that she has external contacts with contractors and consultants.

The position does not meet Level 6-4, where contacts are with high-ranking officials from outside the agency, such as Congressional members and key staff, senior corporate officials, key officials from other Federal agencies and State or local governments, and principal executives of universities and national or international organizations. The appellant has no contacts of this nature.

Level 6-3 is credited.

60 points

Factor 7, Purpose of Contacts

This factor covers the purpose of personal contacts ranging from factual exchange of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives.

At Level 7-3, contacts are to obtain agreement on previously determined goals and objectives through negotiation, persuasion, and advocacy, e.g., obtaining reasonable prices, terms, or settlements for the Government through negotiation. This basically describes the nature of the appellant's interpersonal contacts.

The position does not meet Level 7-4, where contacts are to justify, defend, negotiate, or settle matters involving significant or controversial issues. Negotiations at this level involve procurements of considerable consequence and importance, such as major systems acquisition programs, negotiation with management representatives of other agencies, or representatives of foreign governments or international organizations. The appellant's work situation does not provide occasion for these types of demanding interpersonal relations.

Level 7-3 is credited.

120 points

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work situation.

The position matches Level 8-1, which covers sedentary work.

Level 8-1 is credited.

5 points

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The position matches Level 9-1, which describes a typical office environment.

Level 9-1 is credited.

5 points

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-7	1250
Supervisory Controls	2-4	450
Guidelines	3-3	275
Complexity	4-4	225
Scope and Effect	5-3	150
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
Total		2540

The total of 2540 points falls within the GS-11 range (2355-2750 points) on the grade-conversion table provided in the standard.

Decision

The appealed position is properly classified as Contract Specialist, GS-1102-11.