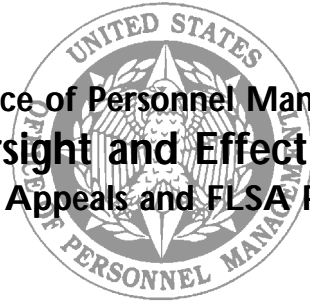


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Atlanta Oversight Division
75 Spring Street, SW., Room 972
Atlanta, GA 30303

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

Appellant: (Appellant)

Agency classification: Purchasing Agent
GS-1105-7

Organization: U. S. Department of Transportation

OPM decision: Purchasing Agent
GS-1105-7

OPM decision number: C-1105-07-02

Kathy W. Day
Classification Appeals Officer

December 9, 1999
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a 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 conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

(Appellant)

Ms. Rosemary Allen
Personnel Officer
Civilian Personnel Management Division
United States Coast Guard
U.S. Department of Transportation
2100 Second Street, SW.
Washington, DC 20593

Ms. Nancy Q. Raum
Chief, Office of Civilian Personnel
United States Coast Guard
U.S. Department of Transportation
2100 Second Street, SW.
Washington, DC 20593

Introduction

On August 11, 1999, the Atlanta Oversight Division, U. S. Office of Personnel Management (OPM), accepted a classification appeal for the position of Purchasing Agent, GS-1105-7, [organization], U. S. Department of Transportation, [geographic location]. The appellant believes that her position should be classified as Purchasing Agent, GS-1105-9 or GS-1105-11.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

The appellant initiated a classification appeal with her agency on the basis that her responsibilities had increased as she had taken on work previously performed by a GS-1102-9 position. She contends that her work is now equal to, or exceeds, that level. The agency adjudicated the appeal and determined that the appellant's position was properly classified as Purchasing Agent, GS-1105-7. The appellant subsequently appealed to OPM.

Position information

The appellant is assigned to position description number [#]. The appellant, her supervisor and the agency have certified the accuracy of the position description.

The appellant functions as a Purchasing Agent responsible for administering contracts and purchasing activities related to obtaining services, supplies, and minor construction and repair work from commercial and government required sources for [organization] activities and facilities for [geographic locations]. The appellant is a Level 1 Contracting Officer authorized to procure goods and services up to \$50,000 using Simplified Acquisition Procedures (SAP) for open market purchases, and up to \$100,000 for items and services acquired through Federal Supply Schedule (FSS) contracts, fixed-price, or negotiated contracts between the government and commercial concerns. Purchases are accomplished through methods such as purchase order invoices, delivery orders against established General Services Administration (GSA) contracts, calls against blanket purchase agreements, and government purchase card. Some purchasing activity is accomplished through methods such as Indefinite Delivery Indefinite Quantity (IDIQ) contracts, and Interservice Agreements (ISSAs) which are a component of Military Interdepartmental Purchase Requests (MIPRs). The appellant is responsible for determining the appropriate procurement method for each customer request package; preparing and issuing electronic formal advertisements, amendments, and award notices; ensuring that procurement requests contain all pertinent information (e.g., complete specifications, performance work statements, delivery requirements, etc.); compiling listings of qualified bidders; and maintaining procurement related publications and distributing new materials and changes to procurement staff.

She also analyzes supplier/vendor bids to determine their responsiveness and responsibility; ensures that contract files contain all documentation to support the basis of awarding the contract; resolves conflicts between organizational units and contractors/vendors; and maintains effective communications between supply and service providers, her organization, and other government agencies involved in interagency contractual actions. The appellant makes purchases with and is accountable for the government credit cards on behalf of supported units. She has responsibility for reconciling credit card statements on a monthly basis; forwarding monthly statements to the appropriate approving official, and making weekly postings of purchases into the financial database. The appellant also has responsibility for maintaining the tracking system for all ISSAs and MIPRs.

The appellant works under the supervision of the Chief of Contracting Office, a [organization] Chief Warrant Officer, who is responsible for all small purchase and contracting activity for Integrated Support Command Seattle and subordinate organizations. The appellant accomplishes day-to-day assignments on her own initiative and with minimum guidance and direction from the supervisor. The supervisor is kept apprised of work progress and controversial or unusual matters which may arise. Completed work is subjected to periodic review in terms of effectiveness in adhering to and meeting legal and regulatory requirements.

Standard determination

Purchasing Series, GS-1105, March 1993.

Series determination

The agency placed the position in the Purchasing Series, GS-1105. The appellant does not contest the placement of her position in this series, and we agree.

The GS-1105 series includes positions that involve supervising or performing work to acquire supplies, services, and construction by purchase, rental, or lease through (a) delivery orders and/or (b) small purchase procedures. The work requires knowledge of policies and procedures for small delivery orders and small purchases. This work also requires knowledge of commercial supply sources and common business practices related to sales, prices, discounts, units of measurement, deliveries, stocks, and shipments.

The appellant's position is properly placed in the Purchasing Series, GS-1105.

Title determination

The title *Purchasing Agent* is authorized by the GS-1105 standard for nonsupervisory positions.

Grade determination

The GS-1105 standard is written in the Factor Evaluation System (FES) format. Under the FES, positions are evaluated on the basis of their duties, responsibilities, and the qualifications required as evaluated in terms of nine factors common to nonsupervisory General Schedule positions.

A point value is assigned to each factor based on a comparison of the position's duties with the factor-level descriptions in the standard. The factor point values mark the lower end of the ranges for the indicated factor level. For a position factor 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 in the standard, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect which meets a higher level. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

Factor 1 - Knowledge Required by the Position:

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge. The agency evaluated this factor at Level 1-4.

At Level 1-4, the work requires an in-depth or broad knowledge of a body of purchasing regulations, methods, procedures and business practices to make purchases involving (1) specialized requirements and/or (2) commercial requirements that have unstable price or product characteristics, hard-to-locate sources, many critical characteristics or similar complicating factors. This includes for example:

- knowledge of solicitation or purchasing methods, such as would be acquired through extended training or experience, to make competitive or sole source small purchases that involve, for example, collecting data to determine price reasonableness for new items, preparing detailed written solicitations, tailoring special terms and conditions, or matters of similar complexity;
- skill in analyzing descriptions that have unique aspects and many critical characteristics to identify problem areas in specifications or work statements, determine if quotations are responsive, or decide if substitutions are acceptable or should be referred to other personnel for further review;
- knowledge of price analysis techniques to evaluate prices or costs for requirements with inadequate price history or evaluate allowable charges for requirements involving special cost features;
- knowledge of various acquisition clauses, such as those pertaining to inspection, acceptance, packaging, or testing to select or tailor clauses for purchases that involve

special handling; and

- knowledge of post-award procedures to discuss equitable price adjustments for modifications to a purchase order, determine whether to recommend termination of an accepted purchase order for convenience, or perform similar actions.

At Level 1-5, the work requires knowledge of specialized technical purchasing methods and procedures to perform complex purchasing work including substantive involvement in at least one of the following:

- negotiating and awarding bilateral purchase orders for professional studies (e.g., research studies), or for the exclusive manufacture of unique equipment, instruments, dies, etc.;
- developing and selecting criteria/technical ranking factors for purchases of a variety of detailed commercial service or construction projects;
- administering small purchases that require extensive monitoring and oversight to resolve complex problems (e.g., protests, claims, terminations, or substantial modifications), and coordinating/discussing these or similar problems with small purchase contractors and various agency or activity personnel;
- negotiating, awarding, and administering small purchases that involve clauses normally not applicable to small purchases (e.g., purchase orders that contain provisions related to default termination, liability, and Government furnished property); or
- negotiating, awarding and administering small purchase orders that involve the use of instruments that are not firm fixed price (e.g., time and materials, labor hour, or other unpriced small purchase orders).

Level 1-4 is met and, in some aspects, exceeded. The work performed by the appellant requires that she possess and use an in-depth knowledge of a variety of purchasing regulations, methods, and procedures to acquire a wide range of services and supplies. In addition to purchases made using standard small purchase procedures (purchase orders, blanket purchase agreements, fixed-price negotiated contracts, etc.), she must be knowledgeable of and proficient in the procedures involved in procuring supplies and services through methods such as IDIQ contracts, ISSAs, or MIPRs. These procurement methods require a level of coordination among the cooperating agencies/parties and generally involve clauses and other conditions that are not typical of standard small purchase actions. The appellant's work includes preparing documents soliciting bids for contracts; reviewing bids to determine their acceptability based on previous bids and contract awards; ensuring that supported units/organizations submit data for required reports quarterly and annually; and reviewing financial databases to ensure the accuracy of data for which she is responsible.

Some aspects of the appellant's work approach Level 1-5. A small part of her work involves duties associated with the development of ISSAs used for services in cooperation with other Federal and/or state agencies. These agreements require some coordination and discussion between the other agencies and her organization to ensure that all terms and conditions are acceptable to all parties. The amount of time spent on these types of agreements and other work comparable to that described at Level 1-5, however, is not sufficient to meet the requirement for *substantive involvement* which is necessary to credit this level. The appellant's regularly recurring work assignments do not routinely involve the complexities or specialized purchasing methods and procedures typical of Level 1-5. The full intent of Level 1-5 is not met and, therefore, cannot be credited.

Level 1-4 is credited for 550 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 extent of review of completed work. The agency credited Level 2-4, the highest level for this factor.

At Level 2-3, the supervisor or other designated authority assigns work with standing instructions regarding objectives, priorities, and deadlines, and indicates special considerations or unusual requirements. The employee plans and carries out the successive steps necessary to make purchases and uses accepted practices or procedures to resolve problems and deviations (e.g., requirements that have fluctuating price and item characteristics, are sole source, and are urgently required, or items that are new to the market). The employee independently performs tasks, such as negotiating price with sole source vendors, persuading reluctant vendors to bid, and collecting data to establish the reasonableness of prices for items which have not been purchased previously or recently. The employee may identify loopholes in specifications or statements of work that are very lengthy, detailed, or difficult to understand. The supervisor reviews recommended awards and completed purchase files for technical soundness, appropriateness, and conformity to policy and requirements. The methods used by the employee are not subjected to detailed review.

At Level 2-4, the supervisor defines overall objectives and requirements of the work and provides further guidance at the employee's request. The employee is responsible for resolving most conflicts that arise, coordinating the work with others and interpreting policies to meet established objectives. The employee is delegated considerable latitude in committing the agency or activity to a course of action and typically has no higher level procurement expertise available. The supervisor evaluates completed work for results achieved and effectiveness in meeting requirements within legal and regulatory constraints.

The work performed by the appellant exceeds Level 2-3. As a result of her expertise in purchasing, she has a significant degree of latitude in executing day-to-day responsibilities of her position. As a Level 1 Contracting Officer, the appellant has responsibility for all contracts that

she oversees. This includes responsibility for conducting fact-finding related to procedural issues and matters in resolving disagreements between contractors and parties that have contracted for goods or services. As part of this process, she interprets the conditions or requirements in effect at the time the contract was signed; determines whether or not the contractor has complied with or met the terms of the contract; and has the authority to terminate the contract if the terms were not met. The supervisor stated that she works very independently with very minimal oversight in carrying out assignments and has a higher level warrant authority than he does. Any supervisory guidance sought by or provided to the appellant is typically on controversial issues only.

The work performed by this position does not fully meet Level 2-4. Although the appellant functions with very little supervision of daily duties and responsibilities, her regular and recurring work assignments do not typically require resolution of conflicts, extensive coordination of work with others, or intensive negotiations to resolve protests, claims, or the termination of contracts. According to her supervisor, protests and appeals at this installation will typically involve large, formal contracts, and the appellant's organizational responsibility is for small purchases.

Level 2-3 is credited for 275 points.

Factor 3 - Guidelines:

This factor covers the nature of guidelines and the judgment needed to apply them. The agency evaluated this factor at Level 3-2.

At Level 3-2, a number of established procedures and specific guidelines are available and apply to work assignments. These include procurement history files, FSSs or other established contracts, standard operating practices, and regulations governing small purchases and delivery orders. Guidelines cover areas such as required and optional sources of supply, types and use of purchase orders, maximum ordering limitations, and forms to use when making purchases. Guidelines also explain, for example, how to order from schedules when documentation is required (e.g., waivers, sole source justifications, and verifications of price reasonableness), when it is appropriate to establish blanket agreements, and how to account for use of imprest funds. The employee at this level uses judgment in selecting the appropriate references and procedures.

At Level 3-3, guidelines, such as those described at Level 3-2, are available but are not completely applicable to many of the aspects of the work because of the unique or complicating nature of the requirements or circumstances. For example, when ensuring the adequacy of specialized purchase descriptions there are no directly related reference sources, such as standardized descriptions in catalogs or procurement history files. The employee at this level uses judgment to interpret guidelines, adapt procedures, decide approaches, and resolve specific problems.

Level 3-2 is exceeded and Level 3-3 is met. Although guidelines, and established practices and procedures are available to the appellant, there are aspects of her work which involve unique circumstances or requirements for which the guidelines are not completely applicable. The appellant is responsible for the purchasing of goods and services related to emergency conditions, incidents, and disaster relief efforts with which her organization is involved (maritime oil spills, earthquakes, floods, wildfires, etc.). In these situations, she must purchase items which are specific to the emergency and are not a part of the normal acquisition process for her organization. These items may be unpriced and the quantities required will be dictated by the seriousness of the situation. In these instances, the appellant must use judgement in interpreting the guidelines and adapting procedures to ensure the adequacy of the materials needed to respond to what tend to be very fluid situations.

Level 3-3 is credited for 275 points.

Factor 4 - Complexity:

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work. The agency credited Level 4-3, the highest level described in the standard for this factor.

At Level 4-3, the work involves using different processes and methods to make a variety of sole source small purchases and/or make a variety of purchases against various established contracts and agreements (e.g., multiple award schedules, blanket purchase agreements, requirements contracts). The employee uses different solicitation methods, ordering or reporting procedures, purchasing methods, or clauses and provisions depending on the type, quantity, dollar value, or urgency of the requirement.

Level 4-3 is met. The appellant's assignments involve a variety of different and unrelated processes and methods to acquire the items and services required by her organization. Among the alternatives that must be considered are whether or not purchases can be most efficiently accomplished through standard methods such as purchase order invoices, delivery orders against established GSA contracts, calls against blanket purchase agreements, or government credit card etc. The appellant is also involved in the procurement of goods and services through IDIQs, ISSAs, and MIPRs which present additional options that must be taken into consideration when determining the most appropriate procurement method to use.

There is no information in the appeal record to indicate this level is exceeded.

Level 4-3 is credited for 150 points.

Factor 5 - Scope and Effect:

This factor covers the relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the effect of work products or services both within and outside the organization. The agency evaluated this factor at Level 5-3, the highest level described in the standard.

At Level 5-3, the purpose of the work is to purchase various commercial and/or specialized requirements. The work involves applying conventional practices to resolve a variety of purchasing problems (e.g., inadequate or restrictive specifications, lack of multiple suppliers, urgent need, and insufficient price history). Purchasing advice and decisions directly affect the ability of serviced programs to conduct business adequately.

Level 5-3 is met. The appellant's recurring work includes the purchasing of specialized items, supplies, or services that involve deviation from standard small purchase procedures. Her primary responsibility is for the procurement of services related to a wide range of organizational needs such as ship repair and maintenance, continuous servicing of navigational aids, and supplies for the containment and clean up of maritime oil spills, etc. The work performed by the appellant affects the quality and timeliness of the items and services obtained by the organization and the efficiency with which it conducts operations related to maritime navigation and safety and responds to maritime environmental crises.

There is no information in the appeal record to indicate this level is exceeded.

Level 5-3 is credited for 150 points.

Factor 6. Personal contacts, and Factor 7. Purpose of Contacts:

Factor 6 includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place (e.g., the degree to which the employee and those contacted recognize their relative roles and authorities). The agency credited this factor at Level 2.

At Level 2, contacts include employees in the same agency or activity but outside the immediate organization. For example, contacts may be with personnel in supply, contracting, finance, requirements initiating offices, or at warehouse/delivery receipt sites. Contacts outside the agency include commercial suppliers, contractors, and personnel at other agencies, such as the Department of Labor or GSA.

At Level 3, in addition to contacts at lower levels, contacts include technical and legal representatives of firms who are negotiating substantial purchase order changes or terminations for default or convenience, or who are protesting the basis for nonselection for award.

Similar to Level 2, the appellant's regular and recurring contacts include civilian and military staff

within her organization, personnel of other Federal agencies, and those at higher echelons in her own agency. She also has extensive routine contacts with vendors, salesmen, distributors, and representatives of commercial concerns who routinely contract to provide goods and services to the Government or are interested in bidding on such contracts. These contacts normally occur at the appellant's place of work or are made in person, by telephone, or in writing.

The appellant does not have contacts with the technical or legal representatives of firms involving negotiations related to major changes in purchase orders or contract terminations described at Level 3.

Factor 7 addresses the purpose of personal contacts, which may range from factual exchange of information to situations involving significant or controversial issues and differing viewpoints or objectives. The agency credited this factor at Level b.

At Level b, the purpose of contacts is to plan and coordinate actions to prevent, correct, or resolve delays or misunderstandings in the purchasing process. This includes contacts with customers to discuss specifications that may be inadequate or too restrictive, and those with vendors to clarify requirements and negotiate issues such as establishing price reductions for deviations in product delivery.

At Level c, contacts are to settle conflicts or disputes that arise during the course of small purchases or to respond to and explain decisions through negotiation and persuasion. The individuals or groups contacted frequently are uncooperative and have different negotiation viewpoints. The employee must be skillful in negotiating issues, such as termination settlements or other significant changes in the small purchase.

As at Level b, the purpose of contacts established by the appellant is to confer on matters related to purchase orders, confirm contract specification information to prevent or to make modifications, reconcile credit card purchases made for subordinate organizations, or to clear up minor problems and misunderstanding involving delivery orders, agreements with other agencies, bid requests, etc. She occasionally has contacts with bidders to explain why they were not awarded a contract or the reason for the termination of a contract.

Level c is not met. Her regular and recurring contacts do not involve activities of the extent described at this level. Although she is responsible for the resolution of some aspects of contract related conflicts or disputes and explaining purchasing decisions, the scope of her activity in this area is limited. Dispute resolution activities are limited to examining procedural issues and matters to determine compliance with contract conditions and requirements. She is not in a position authorized to settle conflicts through the negotiation process and contract related protests by vendors are handled at a higher echelon within her agency. Additionally, the appellant very rarely has contacts with individuals or groups who are uncooperative, hostile, or whose viewpoints regarding negotiations vary considerably from that of her agency/organization.

Level 2b is credited for 75 points.

Factor 8 - Physical Demands:

This factor covers the requirements and physical demands placed upon the employee by the work assignment. This includes physical characteristics and abilities and the physical exertion involved in the work. The agency evaluated this factor at Level 8-1.

Level 8-1 requires some physical effort, such as standing, walking, bending, or sitting. There are no special physical demands.

Level 8-2 requires above average physical ability to walk around or over building materials, excavation sites, and heavy equipment found at construction sites or similar areas.

Level 8-1 is met. The work performed by the appellant is primarily sedentary and presents the normal physical effort involved in walking, standing, bending, and carrying of light items. Although the employee visits construction sites or similar areas on a regular and recurring basis, the appeal record does not contain any information reflecting that the work performed by the appellant at these sites involves the physical effort described at Level 8-2.

Level 8-1 is credited for 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 agency evaluated this factor at Level 9-1.

At Level 9-1, the employee performs work in an office setting involving everyday risks or discomforts which require normal safety precautions.

At Level 9-2, the work involves a moderate level of discomfort during visits to sites away from the office. The employee may be required to wear protective clothing (e.g., hardhat, goggles, gowns, or boots) when visiting construction sites, laboratories, or other areas.

Level 9-1 is met. The majority of the appellant's work is performed in an office setting requiring the observance of normal safety precautions for such areas.

Level 9-1 is credited for 5 points.

SUMMARY		
FACTOR	LEVEL	POINTS
1-Knowledge Required by the Position	1-4	550
2-Supervisory Control	2-3	275
3-Guidelines	3-3	275
4-Complexity	4-3	150
5-Scope and Effect	5-3	150
6-Personal Contacts and 7-Purpose of Contacts	2b	75
8-Physical Demands	8-1	5
9-Work Environment	9-1	5
	TOTAL	1485

A total of 1485 points falls within the GS-7 range, 1355 to 1600 points, according to the Grade Conversion Table in the GS-1105 standard.

Decision

The appellant's position is correctly classified as Purchasing Agent, GS-1105-7.