

**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, Suite 972
Atlanta, Georgia 30303-3109

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

Appellant:	[Appellants]
Agency classification:	Contract Specialist GS-1102-10
Organization:	[Division] [Medical Center] Department of Veterans Affairs [Location]
OPM decision:	Contract Specialist GS-1102-11
OPM decision number:	C-1102-11-04

/s/

Timothy P. Heath
Classification Appeals Officer

8/24/01

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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 5 CFR 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).

Decision sent to:

[Union representative]

[Human Resources Supervisor]

Chief, Human Resources
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Introduction

On April 20, 2001, the Atlanta Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a group classification appeal for the position of Contract Specialist, GS-1102-10, [Division], [Medical Center], Department of Veterans Affairs, [Location]. The appellants are requesting that their position be classified as Contract Specialist, GS-1102-11.

This appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.). 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, CFR.

General Issues

The appellants state that the duties they are required to perform on a regular basis are not reflected in their official position description. In the information submitted to OPM, they provided a list of the additional duties they are required to perform. The local union grieved the accuracy of the position with management; however, the issue was not resolved.

According to the Introduction to the Position Classification Standards, the description of each position must be up-to-date and include information about the job that is significant to its classification. For a non-supervisory position, the description should include enough information so that proper classification can be made when the description is supplemented by other information about the organization's structure, mission, and procedures. The position description should define clearly the major duties assigned and the nature and extent of responsibility for carrying out those duties. Qualification requirements should be evident from reading the description, and specialized requirements not readily apparent from the description should be specifically mentioned and supported by the described duties.

The appellants provided copies of several Contract Specialist, GS-1102-11, position descriptions that they believe compare to the work they perform. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' position to others as a basis for deciding their appeal.

Position Information

The appellants are assigned to position description number [Number]. The supervisor and agency have certified the accuracy of the position description.

The appellants' position is responsible for pre-award and or post-award functions for a variety of supply, service, and construction contracts for activities within the medical center. These contracts frequently require special handling provisions or other specialized terms and conditions. Examples include contracting for technical equipment, design and engineering services, and supplies needed to support the medical center. They use formal advertising procedures which involve preparing and

publicizing the invitation bid; issuing the solicitation; receiving and reviewing the bid; determining the financial responsibility, and awarding the contract to the responsible bidder. They also conduct contract negotiations, which entails reaching an agreement and setting forth the terms to meet the operating needs. They determine the method to use and develop the overall plan to obtain the requirements in the most economical, timely, effective and efficient manner.

The appellants report to the Supervisory Supply Management Specialist who is responsible for managing the appellants' operation. According to the supervisor, she provides administrative supervision to the appellants and is not involved with their day-to-day contracting duties. The appellants work independently in carrying out work assignments and objectives, have the freedom to make decisions regarding contracting as needed, and have total contracting responsibilities for the medical center. Their work is reviewed in terms of overall results and effectiveness. Unusual or significant problems are reported to the Network Chief Logistics Officer who is located in [Location].

Standard Determination

Contracting Series, GS-1102, December 1983.

Series Determination

The appellants' work is properly classified in the Contracting Series, GS-1102, which includes positions that manage, supervise, and perform professional work involving the procurement of supplies, services, or construction using formal advertising or negotiation procedures; the evaluation of contract price proposals; and the administration or termination and close out of contracts. The work requires knowledge of regulations and methods used in contracting, business and industry practices, sources of supply, cost factors, and requirement characteristics.

Title Determination

The prescribed title for positions which require a knowledge of pre-award and post-award procedures to plan and conduct the contracting process from the description of requirements through contract delivery is *Contract Specialist*.

Grade Determination

The Contracting Series, GS-1102, standard is written in the Factor Evaluation System (FES) format. Under the FES, factor levels and accompanying point values are to be assigned for 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.

The appellants disagree with the agency evaluation of factors 1, 2, 3, 4, and 5. We have reviewed factors 6, 7, 8, and 9 and agree with the agency determination. Therefore, only those factors contested by the appellants will be addressed in the appeal decision.

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. The agency credited Level 1-6. The appellants believe Level 1-7 is appropriate, and we concur.

At Level 1-6, the work requires knowledge of commonly used contracting methods and contract types relating to the performance of pre-award, post-award, and/or contract price/cost analysis functions when the contract actions are well defined and well precedented. It also requires familiarity with business practices and market conditions applicable to program and technical requirements sufficient to evaluate bid responsiveness, contractor responsibility, and contractor performance.

The appellants' position exceeds Level 1-6. According to the Network Chief Logistics Officer, the appellants must be knowledgeable of a wide range of contract types and services including terminations and settlements. They work with multiple contracts and are involved in price and cost analyses. All agency Contract Specialists have access to acquisition precedents, and statements of work are routinely shared; however, the appellants must make appropriate modifications to meet local conditions.

At Level 1-7, in addition to the requirements at Level 1-6, the work requires knowledge of a wide range of contracting methods and types to plan and carry out pre-award and/or post-award procurement actions, **or** in depth knowledge of a specialized area to analyze difficult contracting issues and identify alternative courses of action, modify standard contracting procedures and terms to satisfy specialized requirements, and solve a variety of contracting problems, including those requiring significant departures from previous approaches. It also requires 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.

Level 1-7 is met. The appellants' work requires knowledge of contracting principles and procedures for pre-award and post-award procurement actions, and skills to negotiate sole source contracts and modifications. This includes a knowledge of standard contracting techniques to perform procurement actions that involve funding, costing, pricing, and assessing market conditions to evaluate bids or offers for different contract types. The knowledge and skills are used to procure requests for supplies, services (including architectural/engineering (A/E) services), and construction. The appellants are recognized as senior contract specialists with unlimited warrant (they have

signature authority for contracts at any dollar amount). Some examples of the appellants' work projects include:

- A/E design and construction for Nursing Home Health Centers (from renovated office space), fire sprinkler systems, Canteen Food Courts, and courtyards with the estimated time of completion being over one year.
- A/E design and construction which included replacing elevators, renovating auditoriums and buildings, installing air conditioning and plumbing, and replacing generators, roofs and handrails that typically takes less than one year.

According to the Network Chief Logistics Officer, contracts for major building renovations, such as renovating space for a nursing home, involve complex procedures that are significantly more complicated than contracts for new construction. The appellants' work compares to Level 1-7.

Level 1-7 is credited for 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. The agency credited Level 2-4. The appellants believe Level 2-5 is appropriate.

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 initiates the 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.

Level 2-4 is met. This is the level of the experienced employee who performs the work independently. The appellants plan and conduct their assignments basically on their own initiative, including negotiating with contractors. Because they have delegated warrant authority, technical review over their work is minimal and their overall performance is evaluated in terms of general accomplishment.

At Level 2-5, 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.

The position does not meet Level 2-5. At this level, the employee is virtually free from technical supervision but also has program management responsibility. Although the appellants' contract actions are basically unreviewed, technical guidance and direction are available. At Level 2-5, the employee is also relied upon to control all aspects of the procurement program or function assigned, including assuming responsibility for overall regulatory conformance. The appellants are assigned individual work projects, such as contract actions or special assignments, rather than being responsible for an overall procurement program or a major functional subdivision.

Level 2-4 is credited for 450 points.

Factor 3, Guidelines

This factor covers the nature of the guidelines used and the judgment needed to apply them. The agency credited Level 3-3 but the appellants believe Level 3-4 is appropriate.

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.

Level 3-3 is met. The appellants' guidelines consist of procurement rules, regulations, written agency policy statements and directives, and contractual actions. General precedents are usually available for the work, e.g., on recurring contracts for supplies, on standard maintenance, and construction. A number of the appellants' 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 and local conditions.

At Level 3-4, 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.

Level 3-4 is not met. At this level, intensive searches of a wide range of regulations and policy circulars are frequently required, and the guidelines are often inadequate in dealing with problems. While the appellants exercise considerable judgment in negotiations and rely on guidelines, these interpretive requirements are not as demanding as described at this level. Generally the construction or services being procured are not of the magnitude and complexity to require an extensive volume of contractual provisions. The appellants are not responsible for evaluating subordinate procurement programs. They do not develop new approaches, policies, or techniques, but rather apply those that have been issued or authorized by the agency or their department.

Level 3-3 is credited for 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. The agency credited Level 4-3 for this level. The appellants believe Level 4-4 is appropriate and we concur.

At Level 4-3, the work includes various duties involving different and unrelated contracting processes and techniques in a relatively standardized or controlled work situation. Assignments encompassing pre-award or post-award activities generally involve repetitive items or services where specifications have become standardized or well-established; use of firm fixed-price contracts, indefinite delivery, or similar contracts; inclusion of standard clauses or routine supplemental stipulations; the performance of basic price or cost analysis for which a considerable amount of historical and precedent data are available; availability of adequate price competition or published price lists; general availability of suppliers, although searching of the market and use of sole source suppliers are sometimes required; and the time period to complete the work is typically under six months. Determining what needs to be done requires substantive analysis, such as reviewing the procurement request for completeness, obtaining additional information from the requirements office, preparing the invitation for bid, identifying sources of supply (including mandatory sources or sources eligible for set-asides), preparing administrative change order documents and supporting memoranda, reviewing contractor's requests for payment for compliance with specific contract terms, and making initial review of inventories in termination actions. The employee must select appropriate techniques and procedures. The employee identifies interrelationships which affect the procurement, such as availability of funds, discount rate, transportation charges, or previous performance of suppliers.

Level 4-3 is exceeded. The appellants are involved in a variety of contract types, which may have contractual periods of up to two years. Several of the appellants' construction contracts involved significant renovations to existing buildings, i.e., remodeling a ward, rewiring the medical center, or renovating existing space to create a nursing home. According to the Network Chief Logistics Officer, contracts involving the renovation of existing space are not standardized and are more complex than those pertaining to new construction. The appellants' contracts often require special handling provisions or other special terms and conditions.

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 appellants' work is comparable to Level 4-4. They perform the full range of pre-award and/or post-award functions associated with supply, services, equipment, and construction contracts for the medical center. They use a variety of contract types, often including some special provisions, fixed-pricing, and cost analysis. The work requires formal advertisement, negotiation, and problem resolution to completion. They have the authority to award all contracts with no limitations and are held accountable for the decisions they make. The contractual time period could be from six months to two years in duration, excluding supply contracts that may be extended for several years. As previously mentioned, several of the appellants' contracts involve building renovation which is not standardized.

Level 4-4 is credited for 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. The agency credited Level 5-3 for this factor. The appellants believe that Level 5-4 is appropriate.

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 post-award 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. The work has an economic impact on contractors within the local area.

Level 5-3 is met. The purpose of the appellants' work is to carry out a variety of contracting actions, from pre-award to post-award, using various methods. Typical procurements include the purchase of supplies, equipment, and services, and the repair, maintenance, and construction of local facilities. The work supports the operation of the medical center.

At Level 5-4, 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 full intent of Level 5-4 is not met. The purpose of the appellants' position is not to provide expertise in planning or reviewing services. Their work is directly associated with performing contracting activities for procurement purposes. Although they administer a variety of contracts, their work does not have widespread impact outside the local installation, such as across several organizations or throughout a broader geographic area as described at this level.

Level 5-3 is credited for 150 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	125
2. Supervisory Controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and Effect	5-3	150
6. Personal Contacts	6-3	60
7. Purpose of Contacts	7-3	120
8. Physical Demands	8-2	20
9. Work Environment	9-2	20
	Total	2,570

The total of 2570 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.