

Competition Advocate Report Template and Instructions

Fiscal Year 2008 and Beyond

Purpose: This document provides the template and associated instructions for completing an annual Competition Advocate Report (CAR). The HHS competition advocate (CA) shall use the same report template without the transmittal memorandum when providing the consolidated CAR to the HHS senior procurement executive (SPE) and chief acquisition officer (CAO).

Requirements and Responsibilities: The Federal Acquisition Regulation (FAR) 6.502(b)(2) requires that an agency's CA prepare and submit an annual report to the agency SPE and CAO, in accordance with agency procedures, detailing the CA's activities under 6.502(b)(1) through (b)(4). In order to comply with that reporting requirement, Health and Human Services Acquisition Regulation (HHSAR) 306.502 requires that the Operating Division (OPDIV) CAs designated in HHSAR 306.501 submit an annual CAR to the HHS CA prepared in accordance with the standard format specified in HHSAR 306.502(b).

With the assistance of the Head of the Contracting Activity (HCA), and/or the Chief of the Contracting Office (CCO), as appropriate, each OPDIV CA shall: (a) prepare an annual CAR covering the prior fiscal year, using the following standard template and instructions; and (b) provide it to the HHS CA not later than November 16 of each year or the next business day, if the due date falls on a non-business day.

To facilitate OPDIV completion of the CAR's tabular data, the Office of the Assistant Secretary for Administration and Management, Office of Acquisition Management and Policy, (ASAM/OAMP) will provide the OPDIVs, within 10 business days after the close of each fiscal year, the data necessary to populate for that year's report the Competition Summary table in Section A. and the Commercial Item¹ Acquisitions and Performance-Based Acquisition tables in Section B. of the template. ASAM/OAMP will also provide the comparison data for the referenced tables for the fiscal year prior to the one being reported on to facilitate data comparison by the OPDIVs between the two fiscal years. All of the ASAM/OAMP-provided data will be based on the OPDIV data submitted to the Departmental Contracts Information System (DCIS). An OPDIV must use only that information unless it obtains approval from ASAM/OAMP to use supplemental data.

The HHS CA will consolidate the OPDIV CARs and submit the agency report to the HHS SPE and CAO in accordance with HHSAR 306.502(c) by December 20 of each year or the next business day, if the due date falls on a non-business day.

The CAR consists of two parts.

- Part I: Transmittal and Approval Form
- Part II: Annual Competition Advocate Report

The report preparation instructions are specified in "red" and should not be part of the completed CAR. Do not include this introductory page (i.e., the Purpose and Requirements and Responsibilities sections) as part of the CAR. The completed CAR should begin with the Part I

¹ As used in this template, "commercial items" includes "commercial services."

Transmittal and Approval Form and include the titles for Parts I and II as shown.

Part I – Transmittal and Approval Form

Complete all information as follows and provide the completed form as Part I.

- a. **“To:”** Insert the name and title of the HHS CA and his/her organization’s name.
- b. **“Through:”** Insert the name and title of the responsible OPDIV HCA and his/her organization’s name.
- c. **“From:”** Insert the name and title of the responsible OPDIV CA and his/her organization’s name.
- d. **“Subject:”** “[Insert the OPDIV name] Annual Competition Advocate Report for Fiscal Year [insert the appropriate fiscal year].”
- e. **“Narrative:”** Complete and insert the introductory paragraph as shown below. In a succeeding paragraph(s) after the introductory paragraph, provide any information that is important for the HHS CA to understand or be aware of regarding the report.
- f. **“Officials’ Signatures:”** Specify the names, titles, and signatures of the OPDIV CA and HCA, as well as any other reviewing/concurring officials required by OPDIV procedures by providing additional signature blocks.

To:

Through:

From:

Subject: _____ Annual Competition Advocate Report for Fiscal Year _____

The purpose of this memorandum is to provide the _____ (insert OPDIV name) Annual Competition Advocate Report for Fiscal Year _____ (insert appropriate fiscal year) in accordance with HHSAR 306.502(a). The specifics of the report are contained in Part II.

OFFICIAL	NAME AND TITLE	SIGNATURE	DATE
HEAD OF THE CONTRACTING ACTIVITY			
COMPETITION ADVOCATE			

PART II – Annual Competition Advocate Report

Part II of the CAR is composed of five sections and various subsections. Each section must cite its respective section title, e.g., Section A: Executive Summary and Competition Summary Data, and include all required information. Lengthy information may be included as an attachment and must reference the applicable section/subsection.

Provide the data/information as specified below. Provide examples representative of report findings, wherever possible. If information required is addressed in whole or in part under a prior or subsequent section or subsection, so state and refer to that section/subsection. As long as the standard headings are included and the required information is addressed, OPDIVs may include additional information in their CARs in accordance with OPDIV procedures.

Unless otherwise indicated for a particular section, the data and narrative information required by Sections A. through E apply to all acquisitions exceeding the micro-purchase threshold, including actions placed under GSA Federal Supply Schedule (FSS) contracts, Government-wide acquisition contracts (GWACs), HHS-wide acquisition contracts (HWACs), and OPDIV-awarded indefinite-delivery, indefinite-quantity (IDIQ) contracts. Dollars obligated must only include dollars obligated at the time of contract/order award and funded modifications to those awards – e.g., an option becomes a reportable action when it is exercised and funds are obligated. Do not include the potential value of unfunded actions in the dollar totals, including unfunded options and planned incremental funding actions. Dollars in the tables must be cited in “millions” and rounded to the nearest \$100,000 – e.g., \$22,565,000 would be cited as \$22.6.

Further, to ensure consistency in reporting actions awarded and dollars obligated for task and delivery orders, OPDIVs must report task and delivery orders under OPDIV competitively awarded IDIQ contracts as competitive, consistent with an IDIQ’s “fair opportunity to be considered” provisions, unless a Contracting Officer (i) awards an order noncompetitively pursuant to any of the four statutory exceptions to the fair opportunity process cited in FAR 16.505(b) or (ii) awards an order under a noncompetitively awarded IDIQ.

ASAM/OAMP will provide the information needed to complete the several tables required in this report. In completing the Competition Summary table in Section A. and the Commercial Item Acquisitions and Performance-Based Acquisitions tables in Section B. of the template, include the required information for the OPDIV as a whole. In addition, for each table, provide comparison data for the fiscal year prior to the one being reported on in comparable tables. (NOTE: Because of changes or corrections to information in DCIS, the ASAM/OAMP-provided information for the prior fiscal year may not be exactly the same as that which the OPDIV submitted in the CAR for that fiscal year.)

Section A: Executive Summary and Competition Summary Data

▪ **A – 1. Executive Summary**

Provide a brief high-level summary of the OPDIV’s CAR for the fiscal year covered by this report. Specify any background information necessary to understand the information cited and provide an overview of (i) accomplishments, including improvement actions taken; (ii) areas that need to be strengthened; and (iii) recommendations/plans for actions to be taken in future reporting periods. Highlight any important statistical data. The executive summary should normally not exceed two (2) pages. (NOTE: The HHS CA is also required to prepare an executive summary of the HHS consolidated CAR for submission to the HHS SPE and CAO.)

▪ **A – 2. Competition Summary Table**

Complete the table below for the fiscal year covered by this report and provide a corresponding table for the previous fiscal year. Explain the basis for any variation in the competitive percentage(s), for any type of acquisition, of plus or minus 10 percent or more between the two fiscal years.

Competition Summary Table – Fiscal Year _____						
Type of Acquisition	Actions Awarded			Dollars Obligated (\$M)		
	Number of Actions	Number of Competitive Actions	Competitive Percentage	Dollars	Amount of Competitive Dollars	Competitive Percentage
Research & Development (R&D)						
R&D Support Services						
Non-R & D Support Services						
Supplies and Equipment						
Information Technology Supplies, Equipment, and Services						
Construction						
Architect - Engineer Services						
Other						
Total						

Section B: Actions Taken During the Reporting Period

- **B – 1.** Opportunities and actions taken to acquire commercial items to meet the needs of the agency

Specify any steps taken to challenge barriers to the acquisition of commercial items, such as eliminating unnecessarily restrictive specifications or burdensome contract clauses. Indicate any steps that were taken, and when, to foster the acquisition of commercial items and whether the actions were successful. Explain whether any steps taken will have a positive long-term impact on the acquisition of commercial items and, if so, how. If no steps were taken, provide an explanation.

Complete the table below for the fiscal year covered by this report and provide a corresponding table for the previous fiscal year. Explain the basis for any variation in the number of actions and total dollars obligated for commercial items, for the two specified dollar categories, of plus or minus 10 percent or more between the two fiscal years.

Commercial Item Acquisitions – FY ____			
\$3,001 to \$100,000		\$100,001 and above	
Total Number of Actions	Total Dollars Obligated (\$M)	Total Number of Actions	Total Dollars Obligated (\$M)

- **B – 2.** Opportunities and actions taken to achieve full and open competition in the contracting operations of the agency

Specify any steps taken to challenge barriers to full and open competition, such as increasing the use of: performance work statements (PWSs), statements of objectives (SOOs), requests for information or sources sought notices, and longer proposal response times for complex acquisitions. Indicate any steps that were taken, and when, particularly, for actions exceeding the simplified acquisition threshold, to foster competitive acquisition and whether the steps were successful. Explain whether any steps taken will have a positive long-term impact on competition and, if so, how. If no steps were taken, provide an explanation.

- **B – 3.** Actions taken to challenge requirements that are not stated in terms of functions to be performed, performance required, or essential physical characteristics

Specify any steps taken to challenge requirements that were not stated in terms of functions to be performed, performance required, or essential physical characteristics and whether the steps were successful. Indicate any steps taken to increase the use and number of performance-based acquisitions, including any training provided or instructions issued on the development/use of PWSs or SOOs. If no steps were taken, provide an explanation.

For acquisitions that exceed \$25,000, complete the table below for the fiscal year covered by this report and provide a corresponding table for the previous fiscal year. (NOTE: See FAR 37.102 for acquisitions that are excluded from performance-based

consideration and Office of Federal Procurement Policy (OFPP) Memorandum, dated September 7, 2004, for other types of services that are excluded for FPDS reporting purposes only.) Explain the basis for any variation in the number of actions and total dollars awarded for performance-based acquisitions of plus or minus 10 percent or more between the two fiscal years.

Performance-Based Acquisitions (PBA) – FY			
Total Number of PBA Actions Awarded	Percentage of All Eligible Actions Awarded that Used PBA Methods	Total PBA Dollars Obligated (\$M)	Percentage of Eligible Total Dollars Obligated (\$M) Using PBA Methods

- **B – 4.** Any condition or action that has the effect of unnecessarily restricting the acquisition of commercial items or competition in the contract actions of the agency

Specify what, if anything, hindered the acquisition of commercial items or use of competitive acquisition during the reporting period, particularly regarding contracts. (NOTE: An example might include an inordinate number of urgent and compelling acquisitions for a high priority or politically sensitive program.) Indicate what steps were taken to remedy the situation and whether they were successful. If no steps were taken, provide an explanation.

- **B – 5.** Opportunities and actions taken to improve the quality of planning, executing, and managing task and delivery orders

Specify any steps taken, and their timing, to improve the overall planning, placement, and administration of task and delivery orders, such as: (i) strengthening Statements of Work (SOWs), PWSs, and technical evaluation criteria to generate more competition, better pricing, and measurable results for orders; (ii) reducing the number of noncompetitive follow-ons and time extensions; and (iii) providing longer proposal response times. (NOTE: This includes task and delivery orders under any acquisition vehicle, not only OPDIV-awarded IDIQ contracts.) Identify specific actions taken in conjunction with the OPDIV Small Business Specialist to ensure that maximum prime and subcontract opportunities were provided to small and disadvantaged businesses. Indicate whether any steps taken were successful and, if so, the nature of the resulting improvement(s), including any impact on the competitive placement of task and delivery orders. If no steps were taken, provide an explanation.

Section C: New Initiatives for Future Reporting Period(s)

- **C – 1.** New initiatives required to increase the acquisition of commercial items

Indicate any steps that will be taken to foster the acquisition of commercial items and the approximate timeframe for initiating and completing each step. Explain whether any planned steps are intended to have a short or long-term positive impact on the

acquisition of commercial items and, if so, how. If no steps are planned, provide an explanation.

- **C – 2.** New initiatives required to increase competition

Indicate any steps that will be taken to foster competitive acquisition and the approximate timeframe for initiating and completing each action. Explain whether any planned steps will have a short- or long-term impact on increasing competition and, if so, how. If no steps are planned, provide an explanation.

- **C – 3.** New initiatives to ensure requirements are stated in terms of functions to be performed, performance required, or essential physical characteristics

For acquisitions that exceed \$25,000, indicate any steps that will be taken, and the approximate timeframe for initiating and completing them, to increase the use and number of performance-based acquisitions, including any training to be provided or instructions to be issued on the development/use of PWSs or SOOs. If no steps are planned, provide an explanation.

- **C – 4.** Any barriers to the acquisition of commercial items or competition that remain

Specify what impediments, if any, remain regarding the acquisition of commercial items or use of competition. Indicate what steps will be taken to remedy or remove any impediments cited. If no steps are planned, provide an explanation.

- **C – 5.** Other ways in which the agency has emphasized the acquisition of commercial items and competition in areas such as acquisition training and research

Specify any other ways that the OPDIV has emphasized, or will emphasize, the acquisition of commercial items and use of competitive procedures. If no steps are planned, provide an explanation.

- **C – 6.** New initiatives to improve the quality of planning, executing, and managing task and delivery orders

Indicate any steps that will be taken to foster improvement in the overall planning, placement and administration of task and delivery orders and the approximate timeframe for initiating and completing each step. Explain whether any planned steps are intended to have a short or long-term positive impact on task and delivery orders and describe the intended impact, including any impact on the competitive placement of task and delivery orders. Identify specific actions to be taken in conjunction with the OPDIV Small Business Specialist to ensure that maximum prime and subcontract opportunities will be provided to small and disadvantaged businesses. If no steps are planned, provide an explanation.

Section D: Recommendations

- **D – 1.** Recommendation regarding establishing OPDIV goals and plans for increasing competition on a fiscal year basis

Specify for the next reporting period, the OPDIV's competitive percentage goals, how they were determined, their relationship to HHS-wide competitive percentage goals, and the plans/steps that will be taken to achieve them, including when they will be initiated and completed.

- **D – 2.** Recommendation regarding establishing a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition in acquisition

Specify any steps that will be taken in the next reporting period and beyond to recognize and motivate acquisition and program staff and others to foster competition in the OPDIV's acquisitions, including use of incentive or awards programs or nominating exceptional employees or teams for awards associated with OFPP's Shine Initiative – see <http://www.fai.gov/acm/awards.asp#shine>. Indicate when the steps will be initiated and completed. If no steps are planned, provide an explanation.

Section E: Additional Information/Data

Provide a trend analysis and any other information or data not covered in any of the sections above to amplify the competition statistics and accomplishments/activities of the OPDIV and/or any lower-tier organization. (NOTE: The trend analysis is in addition to the required information comparing the previous and current fiscal years under sections A and B.)