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[revised 2/27/09]

Please forward this announcement document to all participants at your webinar location!

“Using GSA Schedules for Professional Services”

Wednesday March 25, 2009

9am to 1pm Pacific Time

(12 noon to 4pm Eastern Time, 11am – 3pm Central Time, and 10am – 2pm Mountain Time)

Presented by Dan Briest, Dave Clemens, and Brad Powers

Contracting Officers, Federal Acquisition Service, Management Services Center (Region 10, Auburn WA)

Summary: This live web-based seminar covers the contracting issues raised by ordering agency Contracting Officers in procuring professional services from the GSA Schedules. After defining the scope of the GSA professional service schedules, we review the Request for Quote and Task Order award processes, particularly the differences between FAR Subpart 8.4 and FAR Part 15 procedures. Schedule contract clauses will be examined. We then explore how to use Contractor Teaming Agreements and Blanket Purchase Agreements for complex or recurring services. This FAR-based training is tailored for those in the GS-1102 Contract Specialist/Officer and related series, but Program Managers and others who generate service contract requirements, plan service contract acquisitions, and conduct market research for professional service procurements can also benefit. Whether looking at the Schedules for the first time in order to correctly procure services under the FY2009 Recovery Act or expanding your already-solid Schedules ordering literacy beyond buying Schedule supplies to procuring Schedule services, this webinar is for you. This training assumes basic familiarity with the GSA Schedules program terminology and basic FAR-based ordering terminology/procedures. This free webinar is four hours in total duration, including two brief breaks. It is certified for 4.0 Continuous Learning Points.

Agenda (all times Pacific Time)

9:00 10:00 Overview of GSA Professional Services Schedules

GSA multiple-award contracts for services provide Federal agencies with direct access to industry expertise in a broad range of professions, including environmental services, engineering, technology, research & development support, management consulting, training, project management (including construction management), finance, acquisition support, database design, accounting, graphic design, and media. From legal services to sign language interpretation, from running a warehouse and distribution network to preparation of specialized environmental impact studies or even some ancillary repair and alteration, the GSA Schedules offer streamlined methods for the acquisition of innovative and flexible professional services solutions. This presentation covers the professional services included (*and excluded*) from GSA’s service Schedules with particular emphasis on managerial/organizational consulting, program/project management, environmental services, professional engineering, logistics solutions, and language services.

10:00-10:10 Break

10:10 11:30 Topics in Task Order Contracting

Once you've decided on the appropriate GSA Schedule or Schedules, what are the steps in soliciting, evaluating, and awarding a Schedule Task Order? We will use the GSA Task Order Checklist to review Schedule ordering. We will discuss the Request for Quote (RFQ), mixing open-market items with Schedule items, "ODC's," different types of task orders (FFP, LH, T&M) and best-value task order source selection. How do you know which clauses are included in the Schedule contract? We will review the clauses in the service Schedule contracts, with emphasis on the clauses that impact ordering. In addition, we will review best-value evaluation methods, period of performance, options, protests, socioeconomic preferences, and Schedule pricing issues.

11:30-11:40 Break

11:40 12:50pm Complex Service Requirements: Contractor Teaming Arrangements & Blanket Purchase Agreements for Services

Learn how your ordering agency can acquire complex and recurring requirements through GSA Schedules. Many comprehensive and complex service requirements can be accommodated under the Schedules program through the use of Blanket Purchase Agreements (BPAs) and Contractor Teaming Arrangements (CTAs).

12:50-1:00pm Final Question Period

What do I need in order to participate?

Webinar audio (the presenters' live voices) will be provided by a conference call phone line. The PowerPoint slides will be shown on a commercial web site as we discuss the issues. You need:

- 1) (Required) An Internet-connected computer in order to display the presentation slides via your web browser. It is not necessary to download any software to participate in the webinar. Test your system in advance of the webinar day at <http://events.vcall.com/VCall/SystemTest.aspx> If you have technical problems identified there, contact support@vcall.com rather than anybody in GSA.
- 2) (Required) A speaker phone (with mute button) to hear us speaking about the slides. You won't be talking on the phone, only listening.
- 3) (Optional, if you wish to ask us questions during the webinar) An internet connection and e-mail capability independent of the computer used to access the web for the presentation slides. This could be a BlackBerry, a wi-fi-connected laptop, or a nearby cabled Internet-connected computer other than the one used to view the slides. During the webinar you will be e-mailing questions to R10.Webinar@gsa.gov or, (if you don't have the second computer) faxing your questions to 253-931-7573 or -7174. We will answer as many of your questions during the webinar as time permits. Remaining questions will be addressed in a document posted during April 2009 at the same website where the webinar handouts are found.
- 4) (Optional, if all participants at your site can't be gathered around one computer.) You could connect a projector in order to better display the website presentation slide images in your conference/training room. If there are others in your office who would be interested in this webinar, you may wish to log

onto the webinar from a shared conference room. This allows us to offer more training to more locations with a limited number of phone lines.

The required and supplementary webinar handouts are posted at <http://www.schedulesolutions.net> (under *C. Webinars and Other Training Events*) with backup at <http://www.gsa.gov/mgmtservices> (under *MSC References*) **It is important that all webinar attendees have the Required Webinar Handout (which includes the slide note-taking pages) with them during the webinar. If not provided by the Site Coordinator, all attendees should print out the Required Webinar Handout from the above website prior to the webinar.**

Is this webinar right for me?

- 1) The material presented will duplicate most of our June 2007 and February 2008 webinars. If you participated in the previous webinars, please pass this notice along to co-workers or others who did not attend our 2007-2008 webinars.
- 2) The focus on this webinar is using the Schedules for professional **services**. This webinar does **not** cover Schedules ordering for **products** (supplies) nor will this webinar include any training on using GSA websites (GSA eLibrary, GSA *Advantage!*®, and GSA eBuy). If you are interested in learning about these online Schedule eTools or want to know more about ordering products from Schedule vendors/GSA Global Supply, please send an e-mail to R10.Webinar@gsa.gov and we will put you in touch with a local GSA Customer Service Director in your area.
- 3) In order to register, you should be serving in an acquisition-related (contracting or program) position in a Federal government agency. (In addition, employees of state or local governments interested in using the Schedules for disaster preparedness/response, security, or IT services may also register.) **This training is not for government contractors.** If you are a current or prospective contractor, please contact us for some suggestions on separate training for contractors.

How do I register my group for this webinar?

R10.Webinar@gsa.gov

1. Contact your local GSA Customer Service Director (CSD, <http://www.gsa.gov/csd>) to find out about locations in your area hosting the webinar. If there is not already a CSD-arranged webinar site nearby, you should only register if you are willing to be the Site Coordinator for your new location. That Site Coordinator is responsible for registering your group, preparing the site, and submitting the group's Attendance Sign-In Sheet and the individual Training Survey Forms after the webinar. (Note: Because of the limit on the number of phone lines, the webinar is not intended for individuals participating from their desks except in unusual situations coordinated through your GSA CSD (remote location with no other webinar sites in your area, employee mobility handicap, etc.).)
2. **You must contact your local GSA CSD prior to registering.** The CSD has the discretion to combine/split webinar sites as necessary.
3. CSDs and other Site Coordinators will register their groups for the webinar by sending an e-mail to R10.webinar@gsa.gov with the following information:
 - a. Site Coordinator (full name, e-mail address, agency/organization, and commercial phone number)
 - b. Webinar Location (agency, building, city, and state)

- c. Your group's advance questions on using the GSA Schedules for professional services
 - d. A statement of your commitment to provide (1) this announcement document and (2) the Required Webinar Handout (which includes the slide note-taking handout) to every one of your participants **before the start of the webinar**. (The Site Coordinator will receive login and phone number information via e-mail a few days before the webinar.)
4. Have your participants complete the Attendance Sign-In Sheet and Training Survey Forms by the end of the webinar, and return them to us in accordance with the instructions provided on the forms.
 5. Upon receipt of both the completed Attendance Sign-In Sheet and Training Survey Forms from your site after the webinar, we will prepare the CLP certificates and send them out via e-mail. It's therefore very important that the names and e-mail addresses on the sign-in sheets are legibly printed.

E-mail your group registration request and any questions to R10.Webinar@gsa.gov by March 18, 2009.



U.S. General Services Administration

Federal Acquisition Service

Using GSA Schedules for Professional Services

Dan Brist, Dave Clemens, and Brad Powers
GSA Management Services Center (Auburn WA)
Webinar – March 25, 2009

Webinar Administration

- If you can't hear us speaking now, check your phone and call (866) xxx-yyy and then enter PIN nnnnnn. All audio will be via phone.
- View slides at www.vcall.com, *Participants Event* Login, use Room Number nnnnnn.
- Keep phones on "mute" during entire webinar. You won't be talking on the phone, only listening.
- Submit questions during the webinar via e-mail to R10.webinar@gsa.gov or via fax to 253-931-7174 or -7573
- Circulate sign-in sheet now. Neatly print all entries as this will be faxed after the webinar and used for your certificates.
- What do you need in front of you now? (Ask your Site Coordinator, see Announcement document)
 - Agenda with note-taking handout (3 slides/page, note the slide numbers we will mention occasionally)
 - Training Survey (1/person, fill in at end of webinar and submit)
 - Sign-In Sheet (1/group, circulating in the room now?)
 - (Optional, but suggested) Supplementary Handout

2

Learning Objectives

- Overview of GSA Professional Services Schedules
- Basic Schedule Ordering – Overview of the Task Order Process
- Task Order Contracting: What Does the Schedule Contract Say?
- Complex Service Requirements: Contractor Teaming Arrangements & Blanket Purchase Agreements

3

1. Required Handout

1. Agenda
2. Note-Taking Sheets (3 slides/page)
3. Training Survey (1/person)
4. Sign-In Sheet (1/location)

**All handouts at
www.schedulesolutions.net
under "Webinar"**

4

2. Supplementary Material Handout

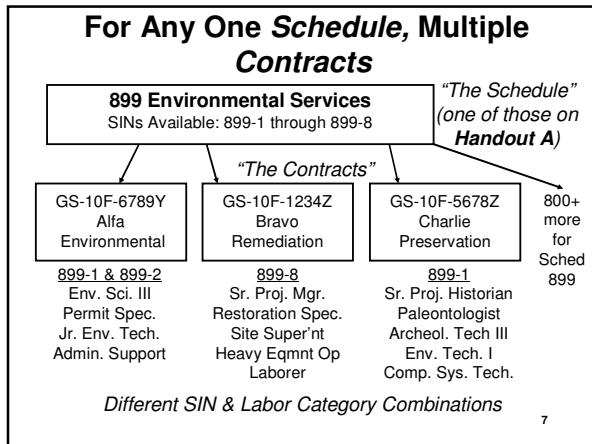
- A. List of GSA Multiple Award Schedules
- B. Some Service SINs & Schedules
- C. NAICS Codes Cross-Referenced to Service Schedules
- D. Why Contracting Officers Use GSA MAS
- E. Extract from "GSA Order Checklist"
- F. Think Simplified (Not FAR Part 15)
- G. Resources for Additional Information & Training

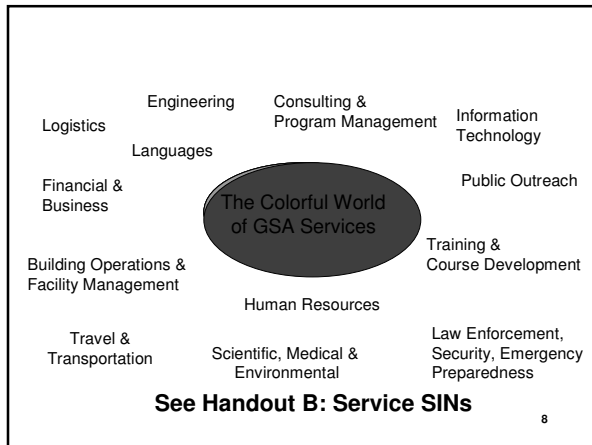
5

Scope of Professional Service Schedules

- Review scope of services Schedules
- Understand examples of in-scope and out-of-scope tasks

6





- ### Did You Know Schedules Can Be Used for...?

 - Recycling computer monitors (Environmental)
 - Food service for soldiers in Iraq (Logistics)
 - Agency reorganizations [even GSA's] (MOBIS)
 - Aircraft electronic maintenance (Logistics)
 - Commercial activity (A-76) studies (MOBIS)
 - Translation of Osama bin Laden tapes (Language)
 - Redesign avionics for Army helicopters (PES)

9

GSA Professional Services Schedules

- Professional Engineering Services (PES)
- Logistics Worldwide (LOGWORLD)
- Language Services
- Environmental Services
- Mission Oriented Business Integrated Services (MOBIS)
- Advertising and Integrated Marketing Services (AIMS)
- Financial and Business Solutions (FABS)
- Other Schedules With Services

10

Some Engineering Disciplines and Sub-Disciplines on PES

Chemical
Civil
Electrical
Mechanical

Aerospace
Biotechnology
Aeronautical
Marine/Naval
Mining
Petroleum
Industrial

11

Professional Engineering Services

- 871-1 Strategic planning for technology programs & activities
- 871-2 Concept development & requirements analysis
- 871-3 System design, engineering, & integration
- 871-4 Test & evaluation
- 871-5 Integrated logistics support
- 871-6 Acquisition & life cycle management
- 871-7 Construction management

12

Services Not Included in PES

- ✗ Architecture and engineering services under the Brooks Act, FAR Part 36
- ✗ Products, services, & materials already solicited under other FSS Schedule contracts (IT, environmental advisory, hazardous materials management advisory, paper, chemicals, pharmaceuticals, laboratory instruments)
- ✗ Research & Development if Cost-Type required

13

FAR Part 36

- Construction and Architect-Engineering services as set forth in FAR Part 36 (including construction, alteration or repair of buildings, structures, or other real property) are outside the scope of all GSA Schedules, including PES.
- Carefully review FAR 36.601 definition of A&E for applicability to your PWS.

14

**Logistics Worldwide Services
LogWorld**

- 874-501 Supply and Value Chain Management
(including acquisition logistics)
- 874-503 Distribution and Transportation Logistics
- 874-504 Deployment Logistics
- 874-505 Logistics Training
- 874-506 Support Products
- 874-507 Operations and Maintenance Logistics
Management & Support
- 874-597 Ancillary Repair and Alteration

15

Some LOGWORLD Tasks

- Design & Fabrication (in support of a logistics effort/process)
- System Testing
- Range & Communications Engineering (But any IT must be related to logistics application/task. No volume purchases or software development not related to Logistics tasks.)
- Remote site logistics support (National & International)
- Food Service / Motor Pool / Courier Service

16

More LOGWORLD Tasks

- Spares Support (to include purchase support if items are listed on GSA contract)
- Inventory Management
- Analysis of Distribution Points – Air, Road, Water, Rail or Pipeline
- Material Handling Training / Forklift Certification
- Planning (Scenarios, databases, after action review support, archive operational lessons learned)
- Train and mentor foreign military services in logistics methods and techniques

17

Not Within LOGWORLD Scope

- ×Manufacturing (but LOGWORLD can manage manufacturing process)
- ×Security (if not part of a larger logistics support task)
- ×Engineering Services
- ×IT systems integration, network services
- ×Volume purchase of IT hardware
- ×Software development, database design not specifically related to logistics
- ×Household goods moving/storage
- ×Commercial passenger airline services
- ×Local package delivery (Schedule 48: FedEx, UPS, etc.)

18

Language Services

- 382-1 Translation Services
- 382-2 Interpretation Services
- 382-3 Training Services and Educational Material
- 382-4 Linguistic Analytic Support
- 382-5 Services the Visual & Hearing Impaired

but not this Schedule for:

- * Training not related to language (country briefings)
- * IT hardware & software
- * Language training requiring software licensing
- * Medical transcription services

19

Environmental Services

- 899-1 Environmental Planning Services & Documentation
- 899-2 Environmental Compliance Services
- 899-3 Environmental Occupational Training Services
- 899-4 Waste Management Services
- 899-5 Reclamation, Recycling & Disposal Services
- 899-6 Environmental Advisory Services
- 899-7 Geographic Information Services
- 899-8 Remediation Services (included related lab testing)

20

Some Environmental Tasks

- Environmental Impact Statements
- Develop programs or regulations
- Risk Analysis or Vulnerability Assessments
- Environmental Compliance Audits
- Spill Prevention
- Environmental Training
- Permitting
- Waste Management Plans or Studies
- Establish/operate HAZMAT, electronics, CRT, battery or chemical recycling programs

21

Environmental Schedule NAICS

- 541620 Environmental Consulting Services
- 562920 Material Recovery Facility
- 562112 Hazardous Waste Collection
- 541380 Lab Services *[check scope]*
- 562910 Remediation Services

Handout C: NAICS Code Cross-Reference

22

Not Environmental Schedule

- *Any task typically requiring construction (Davis-Bacon) labor categories (e.g., lead paint/asbestos removal)
- *Architect & Engineer contracts
- *Mapping (Part 36, Brooks Act)
- *Remediation requiring construction
- *Radioactive/nuclear waste
- *Office trash and land-fill items
- *Water purification equipment

23

MOBIS Services

- 874-1 Consulting Services
- 874-2 Facilitation Services
- 874-3 Survey Services
- 874-4 Training Services
- 874-5 Support Products
- 874-6 Acquisition Management Support
- 874-7 Program Integration and Project Management Services

24

Some MOBIS Tasks

- Quality Management
- Business Process Re-engineering
- Strategic & Business Planning
- Benchmarking
- Competitive Sourcing
- Activity-Based Costing
- Financial Management Analysis
(related to mission improvement effort)

25

More MOBIS Task Examples

- Statistical Process Control
- Surveys
- Individual & Organizational Assessments & Evaluation
- Business Management Strategies (Six Sigma, etc.)
- Process Modeling and Simulation
- Performance Measurement

26

Not Within MOBIS Scope

- × Financial Management, Financial Audits
- × Engineering Services
- × IT Systems Integration, Network Services
- × IT Hardware/Software not specifically related to MOBIS consulting/project management efforts
- × Administrative Support (unless directly related to MOBIS consulting/project management efforts)
- × Human Resources Services/HR ADR
- × Inherently Governmental Functions/Organizational Conflict of Interest (esp in 874-6 acquisition support)

MOBIS Focus = Management, Not Contracting for Daily Operations 27

Advertising & Marketing

- 541-1 Advertising Services
- 541-2 Public Relations Services
- 541-3 Web-Based Marketing Services [SB]
- 541-4 Specialized Marketing Services [SB]
- 541-5 Integrated Marketing Services

28

Financial & Business Solutions

- 520-1 Program Financial Advisor
- 520-2 Transaction Specialist
- 520-3 Due Diligence & Support
- 520-4 Debt Collect
- 520-5 Loan Servicing & Asset Management
- 520-6 Professional Legal Services
- 520-7 Financial & Performance Audits
- 520-8 Complementary Audit Services
- 520-9 Recovery Audits
- 520-10 Transportation Audits [SB]
- 520-11 Accounting
- 520-12 Budgeting

29

FABS (continued)

- 520-13 Complementary Financial Management
- 520-14 Audit & Financial Training Service [SB]
- 520-15 Recurring Commercial Financial Management Services
- 520-16 Business Information Services
- 520-17 Risk Assessment & Mitigation Services
- 520-18 Independent Risk Analysis
- 520-19 Data Breach Analysis
- 520-20 Comprehensive Protection Solutions
- 520-21 Program Management

30

Other Schedules With Services

- Facilities Maintenance & Management (03FAC)
[includes Ancillary Repair & Alteration]
- Office, Imaging, and Document Solutions (36)
- Transportation, Delivery, and Relocation Services (48)
- Training (69)
- Information Technology (70)
- Security [and other services] (84)
- Temporary Staffing (736)
- Human Resources & EEO (738X)

31

Questions?


32

Ordering Procedures & Contract Issues

- Schedules as Priority Source
- Ordering (RFQ Process, Quotes, Evaluation)
- Types of Orders
- GSA Orders vs. Open Market Procurement
- "Other Direct Costs"
- Limited Sources?
- Scope Issues
- GSA Task Order Checklist (Not FAR Part 15)
- NAICS and Size
- Pricing Issues
- Protests
- Schedules Contracting Overview
- What Does the Schedule Contract Say?

33



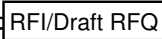
Priority Sources – Services ...Not Mandatory Use, But...

- AbilityOne = JWOD (NIB, NISH, etc.)
- Federal Supply Schedules 
- Federal Prison Industries (UNICOR) or other commercial sources

Shall Consider Schedules Before Open-Market Service Sources (FAR 8.002)
*How have you documented your contract file to show Schedules were considered in preference to lower-ranking acquisitions?
(How has FAR 8.002 compliance been documented in your file?)*

34

Basic Schedule RFQ Process

- Requirements Identification
- Acquisition Planning 
- Market Research  
- Develop Performance Work Statement
- Develop & Distribute RFQ(w/ Eval Factors)
- Evaluate Quotes Received
- Task Order Award

35

Prepare & Distribute RFQ

- Select non-conflicting order clauses
- Determine Schedule(s)/SIN(s) required for PWS
- FAR Clauses for "commercial" services in GSA Schedule contract already
- Define quote submittal requirements (instructions) and deadline
- Service Contract Act applicable?
- Obtain necessary approvals (non-DoD, Advisory & Assistance, legal, etc.)
- Provide to at least 3 Schedule holders (e-mail, eBuy, fax)

36

Contents of RFQ for GSA Task Order (Keep It Simple)

1. What Will the Contractor Do? (PWS)
2. What Does the Government Think is Important for Award? (Evaluation Factors)
3. What Does the Government Need to See? (Quote Submittal Instructions)
4. What Are the Order's Terms & Conditions (if any) Not Already in the Schedule Contract? (add non-conflicting clauses)
5. Which Schedule(s) and SINs Are Required by the Gov't to Meet PWS Requirements?

37

Schedule Ordering (FAR 8.405-2)

Orders placed against a MAS using FAR 8.4 procedures are considered to be issued using full and open competition.

- To Micropurchase: Place orders with any Schedule contractor, but should "rotate" buys.
- Micropurchase to Maximum Order Threshold (MOT): Provide RFQ (PWS + Eval Factors + Submittal instructions) to at least three contractors*
- Above MOT or if establishing BPA: As above* plus an "appropriate number of additional contractors"

*[plus, for DoD > \$100k]...and reasonably ensure at least three quotes rcvd or use eBuy...
(DFARS 208.405-70 & PGI 208.405-70)

38

Receive & Evaluate Quotes

- Oral Proposals?
- Clarification of Minor Irregularities & Errors
- Technical Review
- Past Performance Review
- Communications (Not "Conducting [Part 15] Discussions")
 - Discount from GSA Schedule Price
 - Reasonableness of Labor Mix/Total LOE

Evaluate Solely on Evaluation Criteria

39

Best Value Evaluation

- The expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.
- Best Value Continuum: From *price predominates* (Low-Price Technically Acceptable) to *technical/past performance predominates*
- Best Value permits tradeoffs between price and non-price factors as part of Risk Analysis. The ordering activity may be willing to pay more for (show relative importance in RFQ):
 - Achieving Socioeconomic Objectives (but not "Set Aside" Task Orders)
 - Better Past Performance
 - Better Technical Approach
 - Better Management Capability

40

Level of Effort Task Orders

- Time & Material [FAR 16.601]
 - Direct labor at fixed, hourly, fully-burdened rates
 - Materials at cost and handling costs
- Labor Hour [FAR 16.602]
 - Like T&M, but contractor supplies no materials
- Fixed Price is preferred over LOE
 - Requires more surveillance and control than FFP
 - Use only where duration and extent of work cannot be estimated
 - CO determination, sometimes higher approval, required
 - Include ceiling price contractor exceeds at its own risk

41

GSA Orders (vs. Open Market)

- No FedBizOpps synopsis for GSA Orders (except 2009 Recovery Act)
- Prices on *FSS Authorized Price List* (GSA web-posted) already determined fair & reasonable, but Ordering Officer determines Best Value and reasonableness of overall LOE and labor mix.
- Competition (CICA) requirements already met, no competing outside Schedules
- Unrestricted (not "Set Aside" but can be eval factor), except for certain Schedules/SINs where award is reserved by GSA

Handout D: Why Use Schedules?

42

Other Direct Costs (ODCs)

Our Three Categories of "ODCs":

1. Contract Support Items (on Schedule contract)
 2. Open-market items ("Incidentals") (not on Schedule contract)
 3. Reimbursables: Lodging, Transportation & Per Diem
- All ODCs must be within the scope of the contract and awarded SIN(s)...not "MOBIS laptops"
 - ODCs support, are not the primary purpose of the order
 - ODCs may not duplicate costs already included in the contract price
 - ODC prices must be determined fair and reasonable by a CO somewhere (if not at Schedules level, then Task Order level)
 - Contract clause 52.212-4 ALT I filled-in as Task Order issue

43

1. Contract Support Items

- Commercial Items
- Items included in the MAS contract
 - Contract award or modification
 - Not to be separately ordered without the services
 - Can be included on orders like Schedule labor
- Items for which the Schedule CO has already determined the price fair and reasonable
- Example: items awarded, priced, and listed under a "Support Products" SIN (but a separate *product-only* SIN not required)

44

2. Open-Market Items

("Incidentals" or "Non-Schedule Items")

- Items not awarded under that Federal Supply Schedule contract
- No assumption of price reasonableness (or scope!)
- Schedule T&Cs don't apply unless cited
- Open-market items purchased IAW all applicable acquisition regulations (FAR 8.402(f))
 - FAR Part 5 – Publicizing contract Actions
 - FAR Part 6 – Competition Requirements
 - FAR Part 12 – Acquisition of Commercial Items
 - FAR Part 13 – Simplified Acquisition Procedures
 - FAR Part 14 – Sealed Bidding
 - FAR Part 15 – Contracting by Negotiations
 - FAR Part 19 – Small Business Programs

Can Be Mixed With Schedule Items ONLY if All Clauses Included and Ordering Officer Determines Prices Fair & Reasonable and Within Scope

45

3. Travel Reimbursables

- Federal Travel Regulation
 - 41 CFR, Chapters 300 – 304
 - Travel policies for Federal civilian employees and others authorized to travel at Gov't expense
- Joint Federal Travel Regulations
 - USC, Title 37 and 10
 - Availability of contract fares or prices to government contractors
- Local travel in the performance of a task order
 - Reimbursable IAW ordering agency regulations

46

FAR Parts Not Applicable to Schedule Orders/BPAs

- Synopsis requirements in Part 5
- All of Part 6 (8.405-6 is "Limiting Sources")
- All of Part 13 (except 13.303-2(c)(3))
- All of Parts 14 and 15
- All of Part 19 (except 19.202-1(e)(1)(iii))

However, if mixing open-market items (totaling over micropurchase) then all otherwise exempt regulations apply to those items.

FAR 8.404(a), 8.405-5(a), and 8.405-6(a)

47

How Can Need for Quoted Open Market Items Be Reduced?

- Contractor requests GSA CO to add to Schedule contract by modification
- Agency RFQ preference for all-Schedule order (Schedule contractors team with each other)
- Agency procures and furnishes items as GFP/GFE (need those clauses in Task Order)

48

GSA "Limited Source Justification"

(FAR 8.405-6)

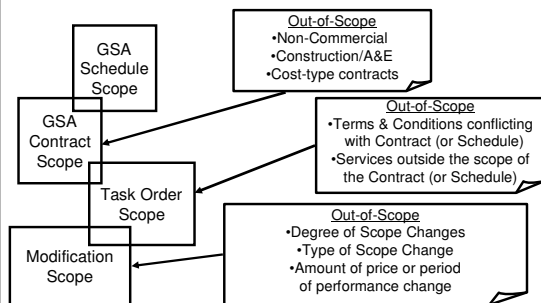
- Only one source capable of responding due to the unique or specialized nature of the work
- New work is a logical follow-on to an existing order (excluding previous orders placed previously under "sole source" requirements)
- Item is peculiar to one manufacturer (a brand name item, available on various Schedule contracts, is an item peculiar to one manufacturer); or
- An urgent and compelling need exists and following the ordering procedures would result in unacceptable delays

49

Questions?

50

In-Scope or Out-of-Scope?



51

Some Limitations

- Broad Acquisition Limitations
 - Commercial Services (FAR 2.101)
 - Personal Services (FAR 37.104)
 - Inherently Governmental Functions (FAR 7.503)
- Schedules Program Limitations
 - Architect/Engineer Contracts (FAR 36.601-4)
 - Cost-Reimbursement Type (FAR 16.3)
 - Construction (FAR 2.101)
 - Services Limited by the SIN Description

52

Scope Determination Steps

- Search *eLibrary* for keywords in the SIN descriptions
- Read about that Schedule (references, FAQs, POC) at that Schedule's web page at gsa.gov (not *eLibrary*, Handout B web links)
- Read scope pages in that Schedule's standing RFP on FedBizOpps. There's more to scope than a few *eLibrary* sentences!
- Talk to your CSD (and provide your PWS) to contact that Schedule's POC (shown at Schedule's web page and *eLibrary* SIN page) at a GSA Acquisition Center
- [Careful] Use keywords from your PWS in a advanced Services-only search at GSA *Advantage!*@.

53

Scope Determination Pitfalls

- Failure of Ordering Officer to Show Schedule and SINs on RFQ
- "Whatever GSA Schedule You Have" (the chosen contractor)
- "Labor Category Shopping" rather than determining the SINs required to accomplish the PWS.
- "Schedule A or Schedule B" (treating Schedule scopes as interchangeable)

**"Wrong Schedule" Order is Protestable by
"Right Schedule" Contractor**

54

The GSA Order Checklist

- Found under "Documents" in *Reference Center* at *GSA Center for Acquisition Excellence*:

<http://cae.gsa.gov>

where you can take the free online course "**Using GSA Schedules – Customer (Services)**"

Handout E: Extract from *GSA Order Checklist*

55

Pricing in Task Order Quotes

- Compare with website-posted GSA *Advantage!* price list.
- Scrutinize non-Schedule services & items
- Question additional G&A, esp. on travel (paying twice? fully-loaded?)
- Don't pay a separate quoted "Industrial Funding Fee" (that 0.75% already included in contract price)
- Team Lead/SubK mgmt, if any, as part of LOE
- If concerned about what is included in price, contact the Schedule CO
- Schedule contractors CAN discount from pricelist
- Contract labor rates assume "normal" bid & proposal expense - - may get "no quote" if unusual quote requirements for Task Order/BPA
- Escalated order prices for periods where Schedule option not yet exercised?

56

GSA Schedule Contract Fundamentals

- Standing solicitation - offers accepted throughout the year with no closing date (uniform updating, mass mods conform all Schedule contracts to current posted RFP)
- Part 12 Multiple Award IDIQ (FFP w/EPA)
- Task Orders (FFP, LH, and/or T&M)
- Three 5-year option periods for 20 year total
 - Task Order performance could extend beyond since performance continues even if Schedule option not exercised (or contract terminated)
 - However, agency couldn't award new orders or BPAs without existing Schedule contract

57

Schedule Pricing & EPA Methods

1. **Established Commercial Price List/Equivalent**

Requires a Modification Request from Contractor for Increase to Take Effect

2. **Negotiated Escalation Prior to Award**

A. **Fixed Escalation for Term of Contract**

B. **(Multi-Year Pricing 20 Years)**

Price Increases Automatically Effective on the Anniversary of Contract (No Modification)

B. **Adjustments Based on Market Indicator (Yearly Mod)**

Based on a Published Index, Survey or Market Indicator

58

Are Schedule Prices the Best Prices?

• **Contract Level**

- Contract Pricing Objective: "Most Favored Customer"
- Price Reductions Clause
- Inspected during contractor assist visits
- Ordering agencies pay no fee to GSA to use the Schedules directly [direct vs assisted acquisition]

• **Task Order Level**

- Shall seek discounts (FAR 8.405-1(d)) if:
 - Task Order exceeds "Maximum Order Threshold"
 - BPA regardless of estimated value
- Encouraged to seek discounts for all orders
- Make best-value determination, total price/LOE/labor mix reasonableness

59

NAICS Codes & Business Size

• **Schedule Contract Level**

- Schedules have one or multiple NAICS Codes in RFP
- Awarded with just one NAICS Code representing preponderance of work, determining size.
- Size re-certified: 5-year option or merger/acquisition

• **Task Order Level**

- NAICS Code on order must be one of those on that Schedule and must represent preponderance of work on order
- Ordering Officer can re-certify size at order level: one size on Schedule contract and another size for order possible

• **BPA Level**

- NAICS Code & size *not relevant* (since order controls)

13 CFR §121.404 (71 FR 66443, eff. 6/30/2007) 60

Think Simplified (Not FAR Part 15)

- No competitive range determination
- No “discussions” vs “communications”
- Any (non-arbitrary, not biased) evaluation system
- Lack of past performance need not be neutral
- No price/cost realism analysis of Schedule rates
- Not a “negotiated procurement,” not a “competition”
- Asking for Part 15-like quote details risks:
 - No quote
 - Held to Part 15 standards on protest

See Handout F on “Not Part 15”

61

Order Protests?

- Standing as interested party: must hold a Schedule contract
- Differing Agency/GAO/Court standards of review
- FAR 16.505(a)(9) grounds limitation doesn't apply
- Possible Grounds
 - Evaluation (inconsistent/bias/past performance)
 - Conflict of Interest/Incumbent preference
 - Procedural (looked like Part 15, e.g., debriefing)
 - Wrong Schedule
 - Non-Schedule purchases disguised as Schedule procurements (open market items violated CICA)

62

What Does the Schedules Contract Say?

Where Can I Read the Contract Clauses?

63

From the “Indefinite Quantity” Schedule Contract Clause

(d) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period.

73

From the “Performance Incentives” Schedule Contract Clause

- (a) Performance incentives may be agreed upon between the contractor and the ordering office on individual orders or Blanket Purchase Agreements under this contract in accordance with this clause.
- (b) The ordering office must establish a maximum performance incentive price for these services and/or total solutions, on individual orders or Blanket Purchase Agreements.
- (c) Incentives should be designed to relate results achieved by the contractor to specified targets. To the maximum extent practicable, ordering offices shall consider establishing incentives where performance is critical to the agency's mission and incentives are likely to motivate the contractor. Incentives shall be based on objectively measurable tasks.

74

Two Flexible Schedule Tools

- 1. Blanket Purchase Agreements (BPAs)
- 2. Contractor Teaming Arrangements (CTAs)

75

Why Establish a Schedule BPA?

- Opportunity to negotiate better discounts
- Satisfy recurring requirements
- Reduce administrative burden
- Leveraging buying power through volume
- Support field offices/other contracting offices
- Quicker order turn-around
- Can incorporate non-conflicting terms & conditions
- Can include contractor teaming
- No funding required to establish BPA
- No synopsis, no competition outside Schedules to establish or use BPA

76

Blanket Purchase Agreements

- Simplified Acquisition Method
- Anticipated Repetitive Needs
- Qualified Source(s)
- Single or Multiple Award
- Not a "Contract" for most FAR purposes

The Contractor's Perspective

- Recurring source of orders
- Volume
- Quicker turnaround on orders
- Expectation of price discounting

The Government's Perspective

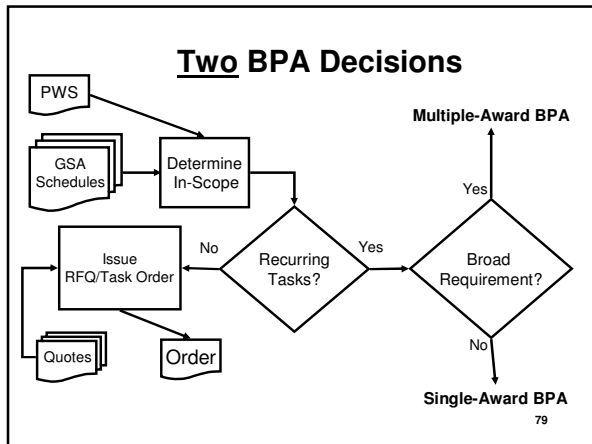
- Flexibility in exact services, LOE, and period of performance
- Efficiencies by having summary invoicing and consolidated payment
- Expectation of best pricing for each Task Order

77

What's in a BPA?

- Scope
- Estimated value/level of effort (not ceiling)
- Duration
- GSA Schedule(s) & Contract(s)
- Participating offices/agencies
- Invoicing/billing procedures
- Ordering procedures (*if multi-award*)
- Terms & conditions
- Discount terms
- Types of orders to be placed
- BPA Termination

78



Single-Award BPA

1. Issue BPA RFQ (PWS)
2. Receive & Evaluate BPA Quotes
3. Award One BPA

Then, for Each Recurring Task:

1. Issue Task Order RFQ (PWS) to sole BPA-holder
2. Evaluate the Quote
3. Award Task Order

One Best Value Evaluation: Who Gets the BPA?

80

Multiple-Award BPA

1. Issue BPA RFQ (PWS)
2. Receive & Evaluate BPA Quotes
3. Award Multiple BPAs

Then, for Each Recurring Task:

1. Develop Task Order Evaluation Criteria
2. Issue Task Order RFQ (PWS) to "an appropriate number" of BPA-holders (FAR 8.402-3(b)(2))*
3. Evaluate the Multiple Quotes: Best-Value Source Selection
4. Award Task Order

*Two Best Value Evaluations: Who Gets the BPA? Who Gets the Task Order?
To "all BPA holders" if DoD (DFARS PGI)

81

What is a Schedule Contractor Teaming Arrangement?

- Defined: Arrangement between two or more Schedule contractors working together to meet agency requirements.
- Don't be confused by FAR SubPart 9.6, a non-Schedules definition that includes joint ventures and subcontracting as "teaming"
- GSAR 538 (rewrite) clause will call this "Contractor Partnering Arrangement (CPA)"

82

Benefits of Contractor Teaming Arrangements

- Reduction in Open Market Items
- Allows Additional Opportunities for Small Businesses
- Increases Probability of Complimentary Capabilities by Contractors
- All-Schedule Solution Possible

83

Two Ways to Satisfy Multi-Domain (Schedule/SIN) Requirements

- One GSA Contractor holds all needed domains, so teaming not required:
 - As separate single-Schedule contracts, and/or
 - On the Consolidated Schedule

OR

- GSA Schedule holders team across domains

84

Annual Top Ten GSA Contractors

	70	871	874	874V	899
	IT	PES	MOBIS	LOG	ENV
Company A	X				
Company B	X	X	X	X	
Company C	X	X	X		
Company D	X	X	X	X	X
Company E	X	X	X	X	X
Company F	X		X		
Company G	X	X	X	X	X
Company H	X	X	X	X	
Company I	X	X	X	X	X
Company J	X	X	X		

85

Consolidated Schedule

- Only for contractors with two or more (of the 13 eligible) Schedules (e.g., PES and MOBIS)
- One GSA contract, so just one Task Order for agency to award/administer
- Contractor can offer their entire business line on a single contract
- Includes most service Schedules and some related product Schedules (including IT)

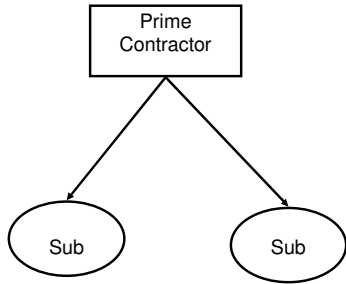
86

Subcontracting vs “Teaming”

- Only Prime must have a Schedule contract
- Only Prime has privity of contract (and interface) with Government
- Ordered and invoiced at Prime’s Schedule rate (less discount)
- Limited to SINS and labor categories on a single Schedule contract
- Prime can’t “delegate” responsibility
- Each Team Member must have a Schedule contract
- Each Team Member has privity of contract (and can interface) with Government
- Ordered and invoiced at each Team Member’s Schedule rate (less discount)
- Total Schedule solutions possible
- Each member can be responsible for particular duties in a teaming agreement

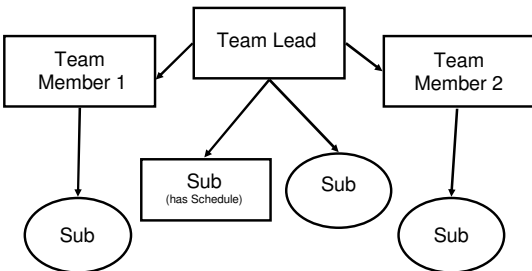
87

Prime/Subcontractor Relationship



BPA/Orders Only to Prime (Schedule Contractor) 88

MAS Teaming and Subcontracting



Schedule Teaming Requires Teaming Agreement 89

MAS CTAs

- Team Leads & Members must have GSA Schedule and use their Schedule rates
- Contractor Teams are issued one BPA
- Could include subcontractor effort, as long as mapped to their Prime's Schedule labor category
- If Multi-Award BPA, Teams compete for Task Orders
- Task Orders can be issued to Team Lead or directly to each Team Member, per Agreement
- Decision to team or not is entirely up to contractors, not ordering activity

90

MAS CTAs

- Not a separate legal entity but acts *like* joint venture
- Include Teaming Agreement with quote for agency review
- Government incorporates that agreement into BPAs/orders
- Can reduce the need for open market items!

Best Practice: Make sure the contract number for *each team member* contributing to a task order is cited on the order(s).

91

How Do You Know WHAT It Is?

- Is there an Agreement? (But it may be a Subcontracting Agreement called "Teaming")
- Who is Paying the Industrial Funding Fee to GSA for that Task Order?
- What Does the Task Order look like?
 - How many Schedule contract numbers are there?
 - Whose labor categories appear on the Task Order?

92

Teaming Agreement Highlights

- Identify Parties (Members and Lead)
- Teaming Activities (w/ responsibilities, like communication)
- Type & Duration of Agreement
- CTA Terms (Team Management fee?)
- Ordering Procedures
- Team Lead & Team Member Duties (on PWS)
- Pricing, Invoicing, and Payment
- Performance Responsibility/Evaluation
- Reporting Sales to GSA
- Who Signs Modifications to BPA/Order?
- Confidential Information

Agreement is solely between the Members - - can't conflict with their individual contracts.

93

Helpful Websites on BPAs/CTAs

- **Using GSA Schedules – General Information/FAQs**
 - www.gsa.gov/schedules
- **Blanket Purchase Agreements**
 - www.gsa.gov/bpa
- **Contractor Teaming Arrangements**
 - www.gsa.gov/cta
- **Consolidated Schedule Information**
 - www.gsa.gov/consolidated

94

Need More Information?

- FAR SubPart 8.4
- *MAS Desk Reference (2008)*
- GSA eTools
- GSA websites (www.gsa.gov/schedules, esp. FAQs)
- Podcasts & Blogs (www.schedulesolutions.net, esp. *References*)
- CSD
- EXPO and other in-person training events
- Online ordering course

Handout G: Resources for Additional Training

95

What's New in 2009?

- 2009 Recovery Act
- Changes for Some Schedules (MOBIS+Trng)
- GSAR 538 Changes (new contract clauses)
- More "Competition" in Schedules Ordering (FAR Case 2007-012), like DoD
- Other pending FAR cases impacting Schedules ordering:
 - Brand-name justifications (2005-037)
 - Purchase card restrictions indebted ktr (2006-026)
 - Size re-representation (2006-032)
 - Payment on T&M contracts (2007-003)
 - Conflicts of interest for acq functions (2008-025) ⁹⁶

Time for Some Final Questions?

97

Thanks!

Dan Briest
(253) 931-7553

Dave Clemens
(253) 931-7313

Brad Powers
(253) 931-7171

R10.Webinar@gsa.gov

98

Closing Webinar Administration

- Fax Training Survey & Sign-In Sheets today to the fax number shown on the sheets.
- Rest of the questions and answers we didn't get to will be posted to www.schedulesolutions.net and www.gsa.gov/mgmtservices by the end of April
- We plan to put audio there also, if possible.
- Certificates will be e-mailed in April to the e-mail addresses neatly printed on the Sign-In Sheets you fax

99

3/25/2009 Webinar Training Sign-In Sheet

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- Make heavy, dark marks.
- Do not use ✓'s or X's to indicate your responses.

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- | | | |
|---------------------------------|------------------------------------------------|------------------------------------------------------|
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