Procurement Times

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Director's Corner

On April 23rd, 2012, the U.S. Department of Navy issued new policy for the "Procurement of Information Technology (IT) Development and Support Services" emphasizing the mandatory use of the GSA Alliant/Alliant Small Business GWACs and five other federal agency contract vehicles. GSA supports this policy as the GSA GWAC Program has been working very closely with the Navy for the past several years while Navy conducted their market research considering all federal contracts in the market. The GSA GWAC Program is very proud that the Alliant & Alliant Small Business GWACs were selected in the suite of contracts that Navy ultimately chose. Immediately after this policy was issued, the GWAC Program Office saw an increase in the number of Navy personnel requesting Alliant/Alliant Small Business Delegation of Procurement Authority (DPA) training; and now see an increase in both Navy solicitations and awards issued under the Alliant & Alliant Small Business GWACs. We applaud the Navy's effort to save time and money in streamlining their acquisitions for IT development & support services by implementing this strategic sourcing policy.
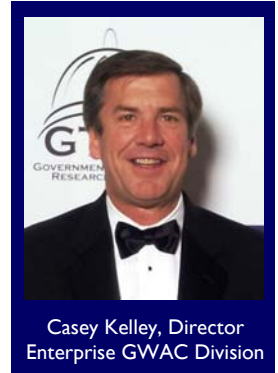
Casey Kelley, Director
Enterprise GWAC Division

The benefits of Strategic Sourcing include:

➔ Allows government to develop deep insight into markets and life cycle cost drivers
➔ Captures and consistently develops best practice Federal requirements
➔ Implements best practices around demand management
➔ Strategically manages inclusion of targeted socio-economic firms
➔ Carefully manages contract portfolios to consistently deliver and improve upon negotiated best values throughout the contract administration phase.

At a time when agencies are tightening their budgets, the GWAC Program is proud of its role that it plays to help Federal agencies, such as the Navy, save time and money on their IT acquisitions and putting tax payer dollars to good use; and ultimately helping agencies meet their mission.

To view the new Navy policy you can find it on the GWACs [GSA webpage](#).

- Casey Kelley

It's Always Best to Document an Offerors' Oral Presentation

As every Contracts Specialist knows, the ordering procedures for a Governmentwide Acquisition Contract (GWAC) are governed by Federal Acquisition Regulation (FAR) 16.505 - Ordering. As noted in FAR Section 16.505(b)(1)(ii), one of the ways a contracting officer may keep submission requirements to a minimum is by using streamlined procedures. Streamlined procedures may include oral, or written presentations, or a combination thereof. While the use of oral presentations bring many benefits, there are certain best practices that should be employed when using this method.

Agencies should not obtain promises in an oral presentation (see FAR Section 15.102 (f)). Any promises/offers should be obtained in writing. Oral presentations should only be used to assess offeror's capability to perform as promised, as opposed to what has been promised. If the oral presentation is over the capabilities of an offeror that is being assessed, then a video tape of the presentation is best to prove an argument to the Government Accountability Office (GAO), as it has been used as evidence for previous protests. The Federal Acquisition Regulation does not direct the contracting officer to video tape, but it does require some form of recording, refer to FAR Section 15.102(e) - "The contracting officer shall maintain a record of oral presentations to document what the Government relied upon in making the source selection decision. The method and level of detail of the record (e.g., videotaping, audio tape recording, written record, Government notes, copies of offeror briefing slides or presentation notes) shall be at the discretion of the source selection authority. A copy of the record placed in the file may be provided to the offeror."

There have been several protests involving the government's evaluation of proposals that included oral elements, but in none did the government lose a protest solely because it failed to electronically record the oral proposals. However, discussions must be documented and the facts must support the award decision. When defending a protest, the government must demonstrate that it has properly carried out evaluations of proposals, whether including oral proposals or not, in accordance with the criteria in the solicitation. When the government produces recordings or notes of oral presentations as part of the protest response file, GAO uses these in its deliberations, to determine whether the government followed its own evaluation criteria and procedures.

In conclusion, whether or not an oral presentation and ensuing questions and answers are taped (or recorded in some other manner), the GAO will scrutinize the entire record produced by the government in its protest response. While videotapes and/or transcriptions strengthen the government's record, they do not constitute the entire record.

- Roger Chapin

"Oral presentations should only be used to assess offeror capability to perform as promised as opposed to what has been promised."

When an Alliant Pre-Award Scope Review Makes Sense

The Alliant program offers an optional value-add service for its clients through a Scope Compatibility Review process which takes place each week on Tuesday and Thursday. Responses to your request for scope are typically disseminated by email within 48 hours following the review.

The Alliant scope review team is comprised of technical and contracting professionals who review the description of your Performance Work Statement (PWS) or Statement of Objective/Work (SOO/SOW) to determine if the overall scope supports an IT serviced-based solution. A PWS/SOO/SOW that clearly supports a comprehensive IT solution and falls within the Federal Enterprise Architecture and DOD Enterprise Architecture language defined in Section C of the Alliant Contract may or may not need a scope review. Some requirements have a mixture of IT, logistics and professional services as well as ancillary services and support which may require further review to determine the overarching objective and whether the ancillary services and support are integral and necessary to the IT effort. Diverse and complex requirements with many of the above stated elements typically require a technical and contractual review to determine if the overall effort supports an IT objective.

The Scope Compatibility Review process addresses out-of-scope issues and offers a best value service to clients seeking vehicles to support their IT mission. Although the pre-award scope review process is optional all PWS/SOO/SOW's will be reviewed within 60 days of task order award to uncover any out-of-scope issues to the Alliant program.

We recognize that many of our Government customers can make their IT determination independent of the Alliant scope review process – the choice is yours. However, we also believe that the "Scope Compatibility Review Process" provides added value and we encourage Ordering Contracting Officers and Program Managers to take advantage of this value-add service as part of their pre-solicitation process.

- Diemle Phan

"Responses to your request for scope are typically disseminated by email within 48 hours following the review"

Alliant STATS (as of August 2012)

Top Ten Agencies Using Alliant:

1. Department of State
2. Department of Homeland Security
3. Air Force
4. Department of Justice
5. Army
6. Department of Agriculture
7. Defense Cyber Crime Security
8. Navy
9. Department of Treasury
10. General Services Administration

	Total Orders Issued	Total Estimated Dollars
GSA Assisted Services	119	$ 5,526,028,745.28
Direct Order Direct Bill	121	$ 4,594,113,597.24
Totals:	240	$10,120,142,342.52

Should My Agency Issue a GWAC Order With an RFQ or an RFP?

What is allowable and what is a better procurement method: A Request for Proposal (RFP) or a Request for Quote (RFQ)? We hear this question at least twice a month.

The good news is that either an RFP or an RFQ is allowable for most requirements using Alliant, and the choice remains with the Agency's Ordering Contracting Officer (OCO). Which one is better? Both methods are used under Alliant and neither is considered the preferred approach. Nonetheless, most experts would recommend that the OCO thoroughly understand the definitions and legal implications of issuing an RFQ versus an RFP. So, let's explore this on a fundamental level.

An RFP and RFQ are both solicitation documents used in negotiated procurements to communicate Government requirements to prospective contractors. The basic difference in outcomes is that an RFP is intended to result in a contract action, while an RFQ is intended to result in information provided to the government from a prospective contractor. The information provided in a Quotation (Quote) may contain more than a price quote, but also technical data and past performance information. Thus, a Quote is merely information, not an Offer that results in a contract action.

In practice, agencies and contractors frequently treat Quotes as if they were Proposals, also referred to as Offers; however, legally, Quotes are different from Proposals. The terms "Proposal" and "Quote" are useful in distinguishing these systems of contract formation. A Proposal is distinguished by two facts: (i) it can be directly accepted to form a binding contract and (ii) it cannot be late (unless it meets one of three criteria listed under FAR 15.208(b)(1)). Whereas, a Quote cannot be accepted to form a binding contract and it can be late. The legal reason is that a Proposal is part of the contract formation sequence while a Quote is just information.

One of the advantages of an RFP is that Proposals save time because they can be accepted to form a contract ensuring that the contractor provides a timely offer. If the objective is speed and certainty in your final agreement then an RFP might be your better choice. In an RFQ, it is the government that makes the Offer based upon the information the contractor provided in its Quote, and no binding agreement is created until the contractor accepts the government's Offer.

Consequently, there may be several disadvantages to issuing an RFQ as follows: (i) the contractor submitting a Quote could reject an Offer from the government at its quoted price, (ii) there is nothing for contractors to hold open since they hold the power of acceptance, the acceptance period concept or rules regarding expiration of Offers do not apply to an RFQ and (iii) the issuance of an RFQ reverses the offeror/offeree role thereby creating an unnecessary step in the offer/acceptance process and consequently a loss of time and control to the Government.

In short, as part of an OCO's acquisition plan, always be sure to determine the agency's desired legal effects before deciding on soliciting an order with an RFP or RFQ. It could save time and effort throughout the procurement phase, and avoid an unnecessary confusion between government and contractor.

- John Cavadias and Mimi Bruce

GWAC Program Events

Alliant Program Management Review (PMR) Held in San Antonio, TX.

The May 2012 Alliant PMR, held at the Grand Hyatt, included various speakers including Mary Davie, Assistant Commissioner for Integrated Technology Services; Mark Day, Director of Strategic Programs; Patricia Renfro, Director, GWAC Programs; Mark Lee, Policy Chief, Office of Acquisition Management; Larry Hale, Director, Strategic Solutions and Security Services, Integrated Technology Services; Sylvia Hernandez, Director, Region 7 Assisted Acquisition Services; Peter Burr, Director, Civilian Sector; Captain Scott Hoffman, Navy Deputy Director for Contracts to discuss the new Navy Policy; and a report out by the industry Shared Interest Groups (SIGs).

The Alliant Contracting Officer John Cavadias presented on several topics including the proper allocation of highly specialized labor categories and hybrid labor categories; reviewed required contract deliverables (such as timely submission in the e-Subcontracting Reporting System and other various administrative reports); and a discussion of the new Myth-busters 2 memo.

The Program Management Review was well attended and the positive feedback received by the GWAC Program proved once again that the PMR was a successful forum for Industry and Government.

- Jennifer Jeans

GWAC Information and Client Support

If you are interested in learning more about the GSA Government wide Acquisition Contracts, please visit: www.gsa.gov/gwac. Everything you need to know can be found with a click of a button!

If you wish to speak to a GWAC staff member, you can contact Client Support by dialing (877) 534-2208 or sending an email to the Alliant mailbox: alliant@gsa.gov

This is just an example of the many ways you can get in touch with us!

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Contract Websites:

- **Alliant—** www.gsa.gov/alliant
- **ANSWER—** www.gsa.gov/answer
- **Millennia—** www.gsa.gov/millennia
- **Millennia Lite—**www.gsa.gov/millennialite

We Want Your Feedback

The Enterprise Newsletter has been a tradition since the inception of the ANSWER Contract. We believe the Procurement Times newsletter adds value by providing Government and Industry insight into current Alliant trends, activities, and key noteworthy accomplishments. We want this newsletter to be of value to you so we are asking for your input   What do you like? What would you like to see more of or less of? Any other comments that you believe may add value to future newsletters?

Please submit your comments to jennifer.jeans@gsa.gov