

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



Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242

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

Appellant: [The Appellant]

Agency classification: Purchasing Agent
GS-1105-7

Organization: Administrative Branch
[State] State Office
Program Delivery and Field Operations
Farm Service Agency
Department of Agriculture

OPM decision: Purchasing Agent
GS-1105-7

OPM decision number: C-1105-07-01

Bonnie J. Brandon
Classification Appeals Officer

7/24/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[the appellant's name
and address]

Chief, Personnel Division
Farm Service Agency
U.S. Department of Agriculture
8700 State Line
Leawood, KS 66206-1569

Director, Office of Human Resources
Management
U.S. Department of Agriculture
J. L. Whitten Building, Room 316W
1400 Independence Avenue, SW
Washington, DC 20250

Introduction

On March 19, 1998, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. The appealed position is presently assigned to the Administrative Branch, Montana State Office, Program Delivery and Field Operations, Farm Service Agency (FSA), United States Department of Agriculture (USDA), [city and state of appellant's duty station]. The agency classified the position as Purchasing Agent, GS-1105-7. The appellant believes that the position should be classified as Purchasing Agent, GS-1105-9, or Contract Specialist, GS-1102-9. We have accepted and decided this appeal under section 5112 of title 5, United States Code.

General issues

The Farm Service Agency was set up when the Department was reorganized in October 1995, incorporating programs from several agencies, including the Agricultural Stabilization and Conservation Service, the Federal Crop Insurance Corporation (now a separate Risk Management Agency), and the Farmers Home Administration (now Rural Development). The Rural Development Agency transferred the AgCredit Division (now Farm Loan Program Branch) to the Farm Service Agency. Consequently the work was redistributed, and the appellant's responsibilities evolved from administrative (e.g., procurement, property control, and inventory management) to primary responsibility for purchasing functions. Rural Development maintained higher level contracting work such as real property leasing.

A desk audit was requested by the appellant in July 1997 and submitted to the Farm Service Agency personnel office by her supervisor in August 1997. As a result, the appellant's position was reclassified on January 23, 1998, from Administrative Technician, GS-303-7, to Purchasing Agent, GS-1105-7. The appellant believes that her position description does not adequately describe the duties and responsibilities that she performs on a regular basis and that it fails to demonstrate comparable worth to other positions identified as contracting officers within the office. The appellant also discusses concerns about the large workload that results in her performing overtime and/or compensatory time. The appellant's supervisor has certified that position description number MT285017 is an accurate statement of the major duties and responsibilities of the appellant's position. As a result of phone interviews with the appellant, the supervisor, and other agency personnel and review of work examples submitted by the appellant, we find that the position description of record accurately describes the major duties and responsibilities of the appealed position. Issues such as volume of work, quality of work, or efficiency of performance are not considered in determining the grade level of the position. By law, we must classify positions solely by comparing the current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112) rather than other positions. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's current duties to other positions as a basis for deciding the appeal.

Position information

The appellant serves as the sole purchasing agent for the [state] State Office and has the highest contracting warrant (\$50,000) within the office. The purpose of the appealed position is performance of a variety of purchasing procedures and administrative functions to acquire supplies, services, furniture, and equipment to assist in providing services to the State and County Offices and the Farm Loan Program Branch. The appealed position requires knowledge of purchasing regulations, methods, property control procedures, acquisition, and business practices, and FSA county and Federal accounting systems. The appealed position is characterized by the following duties and responsibilities. The time spent on some duties may fluctuate due to seasonal changes.

- Real Estate Appraisals (50%) - This is handled by the appealed position by means of blanket purchase agreements (BPA's) to secure the services of persons or firms that provide appraisal services to inspect real estate property and/or chattel property. The appellant has established a list of approximately 34 different contract appraisers for fiscal year 1998 and has processed approximately 100 appraisals.
- Real Property Maintenance (15%) - This involves service contracts for real property maintenance and construction on properties that may be owned by the FSA due to owner default. Any services that exceed \$2,500 and construction that exceeds \$2,000 are subject to the Department of Labor wage rates and the Davis-Bacon Act. The Act stipulates that workers on Federal contracts be paid the "prevailing wage," which is often based upon union-negotiated wages and generally exceeds the average wage in the area.
- Architect and Engineer Services (A&E) (10%) - The appealed position has responsibility for acquiring construction services and/or land surveys. Although the appellant has completed a 40-hour training course, and set up an A&E board, requests for these services are minimal. The appellant can issue delivery orders against established contracts from other agencies within USDA (e.g., Forest Service) or Headquarters, the Washington, DC (WDC) office.
- Credit Reports (10%) - These are contracts for loan approval that are set up on General Service Administration (GSA) contracts that the appealed position handles as small purchase contracts.
- Mediation (5%) - This is a relatively new administrative function assigned to the appealed position that involves securing and referring mediators to serve in the FSA appeal process. The agricultural producer can appeal adverse determinations made by the agency. The appellant receives the request, chooses two mediators from an established list, contacts the producer (to make a selection) and processes the required actions or paperwork (e.g., purchase order). During fiscal year 1998 the State Office received approximately 10 mediation requests; very few of those culminated. Many producers withdrew after learning about payments required on their part.

- County and Community Committee Elections (5%) - This involves preparing election calendars, ordering election ballots and supplies, reviewing elections records for accuracy, and preparing certificates of election.
- Brand Lien (5%) - This involves obtaining services for branding cattle.

Series, title, and standard determination

The determination of the correct series for the appealed position is largely dependent on whether the work performed is one- or two-grade interval in nature, which is usually distinguishable by the actual work assignments and level of analytical ability required. The appellant's duties were considered in relation to both the one-grade interval Purchasing Series, GS-1105, and the two-grade interval Contracting Series, GS-1102.

Contracting, procurement, negotiation and acquisition are terms that are used when describing both the Contracting and Purchasing Series. The key differences between purchasing and contracting work are the dollar value and the procedures and instruments used in accomplishing the work. Contracting work also differs from purchasing work in the nature and level of knowledge required. Contracting specialists acquire goods and services in amounts exceeding the small purchase threshold. They normally use sealed bidding or formal negotiation methods, such as invitation for bids or requests for proposal. They award bilateral contracts, i.e., contracts signed by both parties. Contracting work is characterized by more nonrepetitive or more sophisticated requirements, more complex regulations and reviews, extensive cost/price analysis, complex negotiations over long contractual periods, and high level impact on industry. Depending on their location within the organizational structure, contract specialists may be responsible for policy development, contract review and approval, or critical agency procurements. Below the department or agency level, contracting activities generally include coordinated, interdepartmental, and government-wide commodity procurement assignments; area wide procurement support responsibilities, such as large regional or district procurement or contract administration offices; or major buying activities contracting for components of critical agency programs, including facilities and equipment to support these programs.

Purchasing agents normally solicit quotes, rather than proposals, orally or through written requests for quotations. Some purchasing agents use RFP's for small purchases when a firm offer is required or when technical factors, rather than price, are the primary consideration. Purchasing agents typically use unilateral instruments to establish contracts, i.e., purchase orders, calls against blanket purchase agreements, and credit card purchases. Some purchasing agents generally use bilateral purchase orders to make purchases within small purchase dollar limitations. Purchasing agents also issue delivery orders (that may exceed the small purchase threshold) against established contracts or with certain Government sources of supply. During the purchasing process, the purchasing agent remains in contact with the ordering office and/or with technical and supply personnel to discuss quotes that differ from the original order. Differences may involve substitution of items, delay in delivery dates, or increases in prices. For the most part, purchases consist of supplies that are common off-the-shelf items (manufactured to order), specialized services, or construction. Purchases typically involve short performance periods (less than a year).

Some supply, service, or construction orders also require substantial responsibility for administration and oversight which might include responsibility for representing the employing organization in post award meetings or discussions with contractors to obtain agreement on significant or ongoing changes in small purchases, encourage contractor compliance, or terminate the order. More typical, however, is post-award administration involving delays in delivery and minor nonconformances in the quantity or product, where the purchasing agent becomes the liaison between the vendor and the using party to negotiate minor price considerations, changes in terms of delivery, cancellations of orders, etc.

The appellant administers a procurement program through use of various purchasing procedures to acquire supplies, services, furniture, and equipment for the State and County Offices. The majority of the appellant's work is handled through use of small purchase procedures for services and/or equipment that fall within her \$50,000 warrant and below the small purchase threshold of \$100,000. The appellant may secure services or equipment that exceed her warrant or have special requirements that result in the need to apply procedures or regulations that are not included in regulations governing small purchases (Federal Acquisition Regulations, Part 13). The final authority to commit the agency for costs above her warrant would be approved by WDC, rather than the appellant. Generally, the appellant solicits quotes (written and/or oral), rather than proposals or invitations for bids. The appellant negotiates for discounts, price changes, and/or delivery dates and on occasion is involved in termination and disputes. The appellant's work, however, does not entail the type of formal pre-award surveys, post-award negotiations or intense contract terminations that is expected in the performance of GS-1102 Contract Specialist work. The appellant's work compares to the Purchasing Series, GS-1105, which involves performing or supervising work to acquire supplies, services and construction by purchase, rental, or lease through (a) delivery orders and/or (b) small purchase procedures. This work also requires knowledge of commercial supply sources and common business practices related to sales, prices, discounts, units of measurement, deliveries, stocks, and shipment. The appealed position is best covered by the GS-1105 series.

The title for nonsupervisory positions in the GS-1105 series is Purchasing Agent. The appellant's position is titled "Purchasing Agent" and is graded by means of the Purchasing Series, GS-1105, standard.

Grade determination

The GS-1105 standard uses classification criteria developed in the Factor Evaluation System (FES) format that contains nine grade-influencing factors. Under FES, in order for a duty or responsibility to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level. If the responsibility fails in any significant aspect to meet a particular factor level, the lower point value is assigned. In the Factor Evaluation System, when a position exceeds the highest level for an individual factor in the applicable standard, the Primary Standard, supplemented by a related FES standard, may be used to point rate that particular factor.

The appellant disagrees with the agency's evaluation of Factor 1, Knowledge Required by the Position; Factor 2, Supervisory Controls; and Factors 6 and 7, Personal Contacts and Purpose of Contacts. Since we agree with the agency's determination on the other factors, we will only respond to those cited.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that an employee must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles and concepts and the nature and extent of the skills needed to apply this knowledge.

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

(a) knowledge of solicitation or purchasing methods, such as would be acquired through extended training or experience, to make competitive or sole source small purchases that involve, for example, collecting data to determine reasonableness for new items, preparing written solicitations, tailoring special terms and conditions or matters of similar complexity;

(b) skill in analyzing descriptions that have unique aspects and many critical characteristics to identify problem areas in specifications or work statements, determine if quotations are responsive or decide if substitutions are acceptable or should be referred to other personnel for further review;

(c) knowledge of price analysis techniques to evaluate prices or costs for requirements with inadequate price history or evaluate allowable charges for requirements involving special cost features;

(d) knowledge of various acquisition clauses, such as those pertaining to inspection, acceptance, packaging or testing to select or tailor clauses for purchases that involve special handling; and

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

The appellant's duties parallel Level 1-4. The appellant possesses a broad knowledge of purchasing regulations, methods and procedures. The appellant is also knowledgeable of commercial and business practices, wage and labor laws and Government purchase card procedures. The appellant uses her knowledge of small purchase procedures to purchase specific commodities such as office furniture and equipment, computers or commercial services such as maintenance work, packing and

crating and equipment repairs. These products and services may have varying product characteristics and complicating factors. The appellant uses both open market procedures to purchase requirements within small dollar limitations and other simplified methods of procurement such as placing orders against the Federal Supply Schedule, mandatory supply sources, and ordering from established contracts using blanket purchase agreements. The appellant has knowledge of solicitation and purchasing methods to make competitive and sole source small purchases and knowledge of various acquisition clauses required for use in preparing purchasing documents. Award decisions based on review of all offers to determine technical sufficiency, reasonableness of price, available discounts, associated costs and ability of supplier/contractor to meet delivery dates are handled by the appellant. She reviews and revises specifications to ensure that all needed information is available within appraisal service packages (e.g., certification provisions, description of acreage, maps, etc.). The appellant uses knowledge of post-award procedures to issue purchase order modifications, check vendor conformance, issue cancellations to purchase orders, and process terminations. The appellant's knowledge is equivalent to Level 1-4 of the standard.

The appealed position does not meet Level 1-5 which requires knowledge of specialized technical purchasing methods and procedures to perform complex purchasing work including at least one of the following to a substantial degree:

(1) negotiating and awarding bilateral purchase orders for professional studies (e.g., research studies), or for the exclusive manufacture of unique equipment, instruments, dies, etc.;

(2) developing and selecting criteria/technical ranking factors for purchases of a variety of detailed commercial service or construction projects;

(3) administering small purchases that require extensive monitoring and oversight to resolve complex problems (e.g., claims, terminations, or substantial modifications) and coordinating/discussing these or similar problems with small purchase contractors and various agency or activity personnel;

(4) negotiating, awarding, and administering small purchases that involve clauses not normally applicable to small purchases (e.g., purchase orders that contain provisions related to default termination, liability, and Government furnished property); or

(5) negotiating, awarding and administering small purchase orders that involve the use of instruments that are not firm fixed price (e.g., time and materials, labor hour, or other unpriced small purchase orders).

The appellant negotiates and awards bilateral purchase orders; however, they are not for such complex services as professional studies or exclusively manufactured products, as described at Level 1-5. The appellant may review and revise specifications and statements of work but is not required to develop unique and critical ranking factors (e.g., risk assessments, corporate qualifications, or financial assessments) for various detailed commercial service or construction projects. The appellant

monitors delivery and shipment of goods and performance of services provided. The work does not entail substantial and extensive monitoring and oversight that requires frequent coordination and discussions with contractors and various agency personnel. The Federal Acquisition Regulations Matrix determines whether the clause or provision is required for small purchases and whether it can be incorporated by reference or listed in full text. The variety of purchases made by the appellant involves clauses applicable to small purchases. The appellant generally deals in purchases that have firm fixed prices. Some purchases may require that estimates are given until the vendor evaluates the service/commodity needed. A final price is established based on the purchase order estimate. The appealed position does not fully meet any of the five elements stated at Level 1-5.

Level 1-4 is credited, 550 points

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the extent of review of completed work.

At Level 2-3, the supervisor or other designated authority assigns work with standing instructions and indicates special consideration or unusual requirements. The employee works independently in choosing the appropriate procedures to resolve problems and deviations. The employee performs tasks such as negotiating price with a sole source vendor, persuading vendors to bid, and collecting data to determine price reasonableness for new purchases. The employee must identify loopholes in specifications or statements of work that are very lengthy, detailed, or difficult to understand. The supervisor reviews recommended awards or completed purchase files for technical soundness, appropriateness, and conformity to policy and requirements but does not review methods in detail.

The appellant's work is controlled by purchase order time constraints (e.g., "dates needed by"). The appellant performs her work independently and chooses appropriate methods based on established procedures and guidelines. Comparable to Level 2-3, the appellant reviews and identifies errors and omissions in specifications or statements of work, performs data collections and price negotiations, and resolves most problems without assistance. Commitments that are above the appellant's warrant are approved by the WDC office. The supervisor does not involve himself in the day-to-day procurement activities. He periodically checks the appellant's work to see if he agrees with the priorities set. The appellant's supervisor also reviews outgoing correspondence (e.g., memos, letters, or directives) for appropriateness and conformance to policy.

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

The appealed position does not fully meet Level 2-4 for supervisory controls. The appellant is not involved in regular and recurring assignments that require conflict resolution and extensive coordination with others, nor does she frequently encounter situations where intensive negotiations or terminations occur. Over the past fiscal year there were only a few contracts that actually had to be terminated. There is an administrative officer, in addition to the appellant's supervisor, within this office that holds a \$25,000 contracting warrant. The appellant's freedom from the physical proximity of higher level procurement expertise within the State Office does not elevate the degree of agency commitment that she is delegated. Signature authority for purchases above her warrant continues to be approved by the WDC office. Also, procurement expertise is available to the appellant through the WDC office. The appellant's work receives a closer review than that evident at Level 2-4.

Level 2-3 is credited, 275 points.

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

These factors cover the relationship between regular and recurring personal contacts and the purpose of those contacts.

The factor for personal contacts is based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contacts take place. Level 2 describes contacts that are with employees within the same agency but outside the immediate organization, such as personnel in supply, contracting, finance, requirements initiating offices or at a warehouse/delivery receipt site. Contacts outside the agency include commercial suppliers, contractors and personnel at other agencies, such as the Department of Labor or GSA. Contacts at Level 3 include (in addition to those listed at Level 2) technical or legal representatives of firms who are negotiating substantial purchase order changes or terminations for default or convenience, or who are protesting the basis for nonselection for award.

The appellant's primary contacts include GSA, private vendors, commercial suppliers, contractors, appraisers, State and County Office personnel, WDC contracting staff, and National Finance Center personnel. These contacts are similar to those described at Level 2. The appellant's contacts do not fully meet Level 3, where contacts are with technical or legal representatives of firms who are negotiating substantial purchase order changes or terminations for default or convenience, or who are protesting the basis for nonselection of award. The appellant has infrequent contacts of this nature rather than regular and recurring. Since these types of situations are not inherent to the appealed position, this factor must be credited at Level 2.

The purpose of contacts may range from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The appealed position matches Level b where contacts are made to plan and coordinate actions to prevent, correct or resolve delays, or misunderstandings in the purchasing process or to discuss restrictive specifications, realistic lead times, and prices. In some situations, a moderate amount of persuasive skill may be needed to encourage reluctant vendors to quote, resolve minor conflicts, or get

agreement on changes affecting product, price, or delivery. Similarly, the appellant’s contacts are for the purpose of responding to inquiries, gathering information, addressing problems and modifications and resolving discrepancies. The purpose of the appellant’s contacts does not exceed Level b. That is, the appellant is not required to deal with major disputes or conflicts or deal frequently with individuals or groups who are uncooperative and have different negotiation viewpoints. With a few exceptions, the majority of the appellant’s transactions (purchase orders, BPA’s etc.) continue through completion without ending in disputes or terminations.

Level b is credited, 75 points

Summary

In sum, we have evaluated the appellant’s position as follows:

Factor	Level	Points
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. and 7. Personal contacts and Purpose of contacts	2b	75
8. Physical demands	8-1	5
9. Work environment	9-1	5
Total points		1485

The appellant’s position warrants 1,485 points. Therefore, in accordance with the grade conversion table in the standard, the appealed position is properly graded at the GS-7 level.

Decision

The appellant’s position is properly classified as Purchasing Agent, GS-1105-7.