

Services Ordering Solutions: Avoiding MAS Confusion
Using GSA Multiple Award Schedules for Professional Services
www.schedulesolutions.net

Episode #6
What Does GSA Do to Award/Administer a Schedule Contract?

Recorded: 5/6/2008
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Program Notes by Dave Clemens 9/30/2008

1. Introduction

2. Myth Busters

2A. “I don’t need to do a task order past performance evaluation (or technical evaluation) because GSA has already done that at the contract level.”

GSA’s evaluation only looks at past performance and technical capability at the broad SIN level. You will want to assess the currency and relevance of past performance and technical capability to perform your particular PWS tasks. For example, your PWS might require an Environmental Services 899 contractor to prepare a report on the application of the Historic Preservation Act to buildings on your facility. But maybe the only projects GSA reviewed prior to award of *SIN 899-1 Environmental Planning Services & Documentation* were environmental assessments and environmental impact statements under the National Environmental Policy Act. You certainly would want to know about contractor experience (what they did) and past performance (how they did) on recent and relevant projects similar to your own PWS - - particular projects and references GSA may have never seen because of the breadth of the SINs.

2B. “For my Schedule Task Order, I’m required to get a Small Business Subcontracting Plan along with the quote.”

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Not true. GSA has already done that at the Schedules contract level, so you don't have to. The Schedule contracts already include the required subcontracting plan FAR clauses. Before GSA awards a Schedule contract to a Large business estimated to have a 20-year contract value exceeding that subcontracting plan threshold - - currently \$550,000 - - the GSA CO obtains and evaluates a subcontracting plan from the offeror. The plan is reviewed by a representative of the Small Business Administration. The Schedule CO then does that again five years later before exercising the Schedule contract option. The GSA CO gets those SF294/295 reports from the Schedule contractor.

Since the contractor already has to submit the SF294/295 reports to the GSA CO, there is nothing to stop an ordering agency from having a Large Business Schedule contractor provide a copy of that same recent 294/295 along with their quote if the ordering agency really thinks that is necessary.

3. Episode Topic: What Does GSA Do?

A. What Does the Schedule Offeror Do in Order to Get a GSA Schedule contract?

We point them...

...to the free online course "How to Become a Contractor – GSA Schedules Program" at the GSA Center for Acquisition Excellence (<http://cae.gsa.gov>)

...to the GSA webpage **Getting on Schedule**. <http://www.gsa.gov/gettingonschedule>

...to the letter entitled *Read Me First* in the file included in all Schedule RFPs at FedBizOpps

..."How to Be a Successful GSA Schedule Contractor"

<http://vsc.gsa.gov/stepstosuccess.pdf>

The prospective offeror then:

- Reviews *Schedules eLibrary*, reading Schedule/SIN descriptions to determine best fit (just like what an agency does with its PWS)
- Downloads and reads the entire standing solicitation for that Schedule on FedBizOpps
- DUNS/TIN/CCR current?
- Ensures representations and certifications at ORCA (<http://orca.bpn.gov>) are complete and updated
- Orders an Open Ratings Past Performance Evaluation (<http://www.openratings.com>, currently \$175) [Open Ratings solicits customer references and provides a customer rating report to the GSA Contracting Officer]
- Completes the entire offer (Price Proposal, Project Descriptions, Labor Category descriptions, etc.) and all applicable attachments in accordance with the instructions and checklist for that Schedule (SCA matrix, financial statements, Subcontracting Plan if Large Business, etc.).

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- Submits via hardcopy or eOffer (need digital certificate) to cognizant GSA Acquisition Center shown on RFP

Standing solicitation means there is a continuous “open season” and offers are evaluated and negotiated individually and sequentially (like those Ordering agency situations where only evaluating one quote).

B. How Does GSA Evaluate Schedule Offers?

1. Scope
 - Right Schedule
 - Right SINs (Experience [project descriptions vs SIN descriptions])
 - Right Labor Categories
2. Price Analysis
 - Commercial Sales Practices disclosure
 - Documentary Support/Price List
 - Method/Rate/Timing for Economic Price Adjustment
 - Price Analysis, not Cost Analysis
3. Experience and Past Performance
 - Project Descriptions
 - Open Ratings Past Performance Evaluation
(<http://www.openratings.com>)
4. Administration
 - ORCA Reqs and Certs
 - Accounting System (required for T&M & LH orders)
 - One Award-NAICS Code representing preponderance of work
 - Debar List (*Excluded Parties List*, <http://www.epls.gov>)

C. The GSA PCO Does It So Agencies Don't Need To

- Service Contracting Act WDs (some Schedules)
- SubContracting Plan
- Responsibility Determination
 - *Advanced Technology Systems, Inc.*, B-296493.6, October 6, 2006.
 - But FAR 9.405(d)(4): Check EPLS (<http://www.epls.gov>) immediately before order placed
- EEO Clearance (> \$10M, FAR 22.8005)
- Hourly Rates Determined Fair & Reasonable

Notice what we didn't say: “technical evaluation” or “past performance evaluation.” We don't think it's a best practice to eliminate technical or past performance evaluation from your task order best value determination because GSA has only looked at those factors in a more general (SIN-level, not task-specific) way.

D. What Does GSA Do After Award?

- Price Lists posted to *GSA Advantage!* approved by GSA
- What does GSA look at for option decision
 - i. Most Favored Customer changed?
 - ii. NAICS and Business Size changed?
 - iii. Updated reps and certs needed?
 - iv. Assess performance on existing Subcontracting Plan (or new/revised plan?)
 - v. Prices still fair & reasonable? (Updated market analysis)
 - vi. Still correct Schedule/SINs? (or a better one?)
 - vii. Admin information still current? (EEO Clearance, EPLS Check)
- Why might GSA not exercise an option (or cancel)?
 - i. Failure to meet minimum sales requirement in contract
 - ii. No effort to meet Subcontracting Plan goals
 - iii. Out of scope work
 - iv. Mergers/acquisitions result in company with multiple contracts on same Schedule
- What is ordering agency impact of option exercise and no-exercise decision? None. Task Orders continue to run.
- Schedule Contract Modifications (in addition to options)
 - i. Add labor categories
 - ii. Add SINs
 - iii. Add Contract Support Items
 - iv. EPA mods
 - v. Administrative changes
 - vi. Mass mods to update all current contracts to the latest FedBizOpps-posted standing solicitation (which is periodically updated and replaced, “refreshed” in GSA-speak)

4. Summary

Additional references on this subject:

1. Chapter 2 of the newly revised (2008) *Multiple Award Schedules Desk Reference* now posted at our <http://www.schedulesolutions.net> blogsite.
2. Chierichella, John W. and Jonathan S. Aronie, *Multiple Award Schedule Contracting*, XLIBRIS, 2006, 636 pp.

5. Closing – The Usual Caveats and Disclaimers

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1. The presenters are not GSA policy people and nothing in this podcast represents official GSA policy. We editorialize freely and give you what we consider best practices in addition to citing the FAR and Schedule contract requirements.
2. Your agency or even your office may supplement the FAR in different ways and your office policies may be more stringent than the FAR requirements or best practices we suggest.
3. The FAR and the Schedule contracts occasionally change. The information in this podcast is current on the date it was recorded, April 24, 2008.
4. Brad Powers claims he hasn't violated anybody's intellectual property rights by including certain music or sound effects included in these podcasts. They were obtained, he asserts, under the Creative Commons license or from public domain sources.

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Note: On the date (5/7/2008) this podcast was recorded, we talked about task order evaluation of past performance as a *best practice* (which it certainly is) - - even though it is *not [yet]* a FAR requirement.

In the 4/2/2008 *Federal Register* 73 FR 17945-17947, the following was published as a proposed rule for comment, with comments due on 6/2/2008:

FAR 45.1502(c) Agencies shall prepare an evaluation of contractor performance for each order that exceeds the simplified acquisition threshold placed against a Federal Supply Schedule contract, or under a task order contract or a delivery order contract awarded by another agency (i.e., Governmentwide acquisition contract or multi-agency contract).