



CIO·SP3
IT SERVICES/SOLUTIONS

BIC

Ordering Guide



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General

Purpose

This guide provides the procedures for ordering Information Technology (IT) service-based solutions under the Chief Information Officer-Solutions and Partners 3 (CIO-SP3) Government-Wide Acquisition Contract (GWAC). It defines the roles and responsibilities of all stakeholders involved in the ordering process and provides helpful instructions on how to place an order on the GWAC.

The CIO-SP3 GWAC will be referred to as “CIO-SP3,” while Task Orders issued against CIO-SP3 will be called “Orders.” The Contracting Officer with authority over CIO-SP3 will be referred to as the “Procuring Contracting Officer (PCO)” and the Contracting Officer authorized to issue and administer Orders will be referred to as the “Ordering Contracting Officer (OCO).” See Appendix A on page 35 for a Glossary of Acronyms.

This guide does not replace ordering agency policies or best practices and does not take precedence over the terms and conditions of CIO-SP3. It is the responsibility of the OCO to follow statutes, regulations and agency-specific policies regarding the issuance of an Order and to incorporate those requirements at the Order level.

Updates to this Ordering Guide and other helpful information will be posted on the NITAAC website on the CIO-SP3 web page at: <https://nitaac.nih.gov/services/cio-sp3>.

Authorized Users

Any federal agency may use CIO-SP3 under the authority of the Clinger-Cohen Act of 1996. CIO-SP3 is not available for use by state and local governments. Only authorized users, referred to as OCOs, may place Orders on CIO-SP3. To qualify as an authorized user, you must be a duly warranted federal contracting officer (as defined in FAR 2.1 Definitions) in good standing with the proper procurement authority. There is no separate delegation or training necessary to use CIO-SP3 or the Electronic Government Ordering System (e-GOS). However, NITAAC provides free training for all users and it is recommended to simplify the process.

How to Become an Authorized User

Before issuing an Order on CIO-SP3, the OCO must register as a user in NITAAC's e-GOS. Registration is simple and only takes a few minutes. Registration instructions are available at the e-GOS login: <https://cio.egos.nih.gov/#login>. Once you complete the registration, you may start the Order process or use the market research tools available in e-GOS.

Accessing CIO-SP3

Agencies may access CIO-SP3 in two ways:

1. **Direct Acquisitions.** Under this scenario the client agency is responsible for its own acquisition and program management activities. After the client agency contracting officer has registered in e-GOS, he/she is authorized to issue, modify, administer and close out Orders.
2. **Assisted Acquisitions.** A requesting agency may elect to have NITAAC, or another servicing agency, provide a full or partial acquisition program and/or project management services through the Order lifecycle. If the requesting agency uses NITAAC or another servicing agency, then the servicing agency will act as the OCO. The servicing agency can issue, modify, administer and close out Orders based on the requesting agency's requirements for support as documented in an interagency agreement signed by both parties. The Office of Management and Budget (OMB) memo, "Improving the Management and Use of Interagency Acquisitions," dated June 6, 2008 provides guidance to help agencies (1) make sound business decisions to support the use of interagency acquisitions and (2) strengthen the management of assisted acquisitions. Emphasis is placed on helping requesting agencies and servicing agencies manage their shared fiduciary responsibilities in assisted acquisitions. The guidance includes a checklist of roles for each responsibility in the acquisition lifecycle, and a model interagency agreement to reinforce sound contracting and fiscal practices.

CIO-SP3 Contract Information

Scope

This GWAC provides IT solutions and services as defined in FAR 2.101(b) and further clarified in the Clinger-Cohen Act of 1996. These IT solutions and services include, but are not limited to, health and biomedical-related IT services to meet scientific, health, administrative, operational, managerial and information management requirements. The contract also contains general IT services partly because medical systems are increasingly integrated within a broader IT architecture, requiring a systems approach to their implementation and a sound infrastructure for their operation. All CIO-SP3 Orders shall clearly provide, as their principal purpose, IT services-based solutions/outcomes and may include locations inside the Continental United States (CONUS) or outside the Continental United States (OCUNUS).

Ten task areas constitute the technical scope of this GWAC:

- Task Area 1: IT Services for Biomedical Research, Health Sciences and Healthcare
- Task Area 2: Chief Information Officer (CIO) Support
- Task Area 3: Imaging
- Task Area 4: Outsourcing
- Task Area 5: IT Operations and Maintenance
- Task Area 6: Integration Services
- Task Area 7: Critical Infrastructure Protection and Information Assurance
- Task Area 8: Digital Government
- Task Area 9: Enterprise Resource Planning
- Task Area 10: Software Development

These task areas should be used for guidance and do not preclude any Order. If you're not sure where your Order fits, call NITAAC Support at 1.888.773.6542 for help.

Technical Scope Assessments

The NITAAC team reviews scope, contract type, periods of performance, evaluation criteria, specificity of tasking, deliverables and schedule; and reviews performance-based requirements. Of these areas of review, scope is the only area that could prevent a requirement from being released for competition.

All requirements must be in scope, consistent with the appropriate task area(s), and the requirement should contain the award evaluation criteria, particularly if the anticipated value is expected to exceed \$5 Million as outlined in FAR Subpart 16.5. NITAAC provides suggestions for improving the Statement of Work/Performance Work Statement/Statement of Objectives (SOW/PWS/SOW) for all review areas as necessary, but the final decision on implementing any suggestions rests with the acquiring agency and their OCO.

We return all assessments with recommendations to the customer within 12 business hours. Our goal is to help our customers clarify their requirements to solicit the best possible response from NITAAC Contract Holders.

Socioeconomic Credit

Both the CIO-SP3 and CIO-SP3 Small Business GWAC offer socioeconomic credit to agencies. Because CIO-SP3 was awarded on an unrestricted basis and CIO-SP3 Small Business as a set-aside, the method to receive socioeconomic credit is different for each contract.

CIO-SP3 Socioeconomic Credit

The CIO-SP3 GWAC offers socioeconomic *subcontracting* credit when reported by the prime through e-GOS. OCOs should negotiate specific individual subcontracting goals at the *Task Order Level* without creating a separate subcontracting plan. Prime contractors will be responsible for reporting these goals through e-GOS. Proper Federal Performance Data System – Next Generation (FPDS-NG) reporting ensures socioeconomic credit will be received. Ordering agencies and third party assisted contracting services are required to report all Orders greater than the micro-purchase threshold in FPDS-NG, <http://fpds.gov>, in accordance with FAR 4.603.

CIO-SP3 Small Business Socioeconomic Credit

The CIO-SP3 Small Business GWAC enables federal agencies to fulfill their IT services and IT services-based solutions requirements at the *Prime Contract Level*. Task Orders awarded to a CIO-SP3 Small Business prime Contract Holder will receive socioeconomic credit by awarding to a CIO-SP3 Small Business prime directly.

How Do I Choose Which GWAC to Use?

OCO's are free to choose either the CIO-SP3 or CIO-SP3 Small Business GWAC to support their IT requirement. The decision as to which GWAC to use is an agency decision. Various factors may determine your choice of contract such as:

- Capability
- Experience
- Type of Socioeconomic Credit (e.g., Direct or Electronic Subcontracting Recording System (e-SRS))

Use of Requests for Information (RFIs), Capability Requests and/or any type of informational request submitted to the NITAAC Contract Holder pool may help in determining which vehicle you choose for a specific requirement.

Please note that informational requests/market research, etc. can be sent to both the CIO-SP3 or CIO-SP3 Small Business contractor pools. However, once the OCO decides on the contract vehicle (either CIO-SP3 or CIO-SP3 Small Business), then their Order solicitation may only be sent to that contractor pool.

Assuring IT Services or IT Services-Based Solutions are the Principal Purpose of Every Order

OCOs should be aware of any requirements that appear to only procure commodities (e.g., hardware, commercially available software, and mobile radios) or commodity-like services such as wireless connectivity. It would be appropriate for commodity type items to be ordered through the NITAAC Chief Information Officer-Commodities and Solutions (CIO-CS) GWAC.

In addition, OCOs should be alert for requirements that may have an under-representation of IT services and an over-representation of ancillary support (e.g., non-IT services and/or products) which may raise questions as to whether the primary outcome is IT services based. OCO due diligence and consultation with the NITAAC Task Order Management (TOM) team are beneficial risk mitigation strategies for assuring potential work is a good fit for CIO-SP3, especially for areas that may require further clarification. The TOM team is pleased to partner with OCOs by offering free technical scope assessments in advance.

Technical Scope Assessments for Prospective Orders

The TOM team offers OCOs the value-added opportunity to send work statements for advance technical scope assessments. This quality assurance measure is offered by the GWAC program free of charge for those who would like assistance in determining overall scope fit for a prospective requirement on CIO-SP3. Please send the technical scope assessment request via email to NITAACsupport@nih.gov and include the following information with your request.

- The GWAC you are considering
- Your PWS/SOW/SOO
- The Independent Government Cost Estimate (IGCE), if available. Include labor categories and hours or estimated dollar amounts with options and incumbent information.
- A deadline, if applicable

Work Outside of The Continental United States (OCONUS)

It is anticipated that there may be Orders under this contract for work outside of the continental United States. OCONUS is defined as other than the 48 contiguous states plus the District of Columbia. The contractor will be compensated for work performed OCONUS based on the methodology proposed by the contractor and accepted by the OCO for award of an individual Order.

The U.S. Department of State's Bureau of Administration, Office of Allowances (<https://aoprals.state.gov/>) publishes quarterly report indexes of living costs abroad, per-diem rate maximums, quarter's allowances, hardship differentials and danger pay allowances for contractors to follow when proposing on OCONUS efforts. No allowances, other than those listed by the U.S. Department of State, shall be allowed on Orders.

The Department of State Standardized Regulations (DSSR) are the controlling regulations for allowances and benefits available to all U.S. government civilians assigned to foreign areas. For Orders issued under the GWAC, contractor civilians assigned to foreign areas shall not exceed the allowances and benefits in the DSSR. For OCONUS Orders where costs are not specifically addressed in the DSSR, the government will reimburse the contractor for all reasonable, allowable and allocable costs in accordance with FAR 31, Contract Cost Principles and Procedures.

CIO-SP3 National Institutes of Health (NIH) Contract Access Fee (NCAF)

NITAAC's operating costs are reimbursed through an NIH Contract Access Fee (NCAF) charged on Orders placed against the GWACs. The NCAF is paid by the ordering agency but remitted to NITAAC by the contractor. NITAAC maintains the unilateral right to establish and change the NCAF rate. NITAAC will provide reasonable notice prior to the Effective Date of any change to the NCAF payment process.

The NCAF rate, which is .65% for CIO-SP3, is applied to the total amount obligated on the Order. Based on the established NCAF rate, the contractor shall include the NCAF in each proposal.

The contractor provides the NCAF as a separate cost element on all proposals to the government, regardless of contract type. The NCAF is never to be treated as a negotiable element between the contractor and the ordering agency.

If a customer organization has negotiated an NCAF rate based on a special written agreement and/or Memorandum of Agreement by the GWAC Program that is other than the established NCAF rate, NITAAC will provide advance notification.

The total NCAF collected on CIO-SP3 per Order is capped at \$150,000 on any Order base or optional period, not to exceed 12 months, with funding in excess of \$23 Million. The contractor remits the NCAF to NITAAC in accordance with Section G.8 of the GWAC's Contract (Conformed).

CIO-SP3 Term

CIO-SP3 is a 10-year contract inclusive of one (1) ten-year base ordering period from May 1, 2012 to May 31, 2022. Orders may be awarded during the term of CIO-SP3, which is also referred to as the effective period of the contract or the ordering period. Under no circumstances may a new Order be placed on CIO-SP3 beyond May 31, 2022.

CIO-SP3 has not established pricing with any of the industry partners beyond the 10-year end date(s). Pricing for Orders issued with period(s) of performance beyond the GWAC period of performance end date will be agreed upon at the Order level. Firm Fixed Price and Time and Materials Orders will be based on the rates applicable for the last period of performance of the GWAC, plus escalation. Labor rates that extend beyond the 2022 end date of the contract shall be established through negotiation with the OCO to establish fair and reasonable pricing.

Order Period of Performance

Pursuant to CIO-SP3's Contract (Conformed) Article F.2 Task Order Period of Performance (POP), Orders may not exceed ten (10) years, inclusive of options, from the date the Order is placed; however, Orders may extend up to 60 months (5 years) after the expiration of CIO-SP3. This means all Orders must be substantially completed

by April 30, 2027 and FAR 52.217-8 Option to Extend Services shall not be used past this date. OCOs should consider the following:

1. The Order POP is consistent with the customer agency's policy on Order duration and funding
2. Multi-year contracting is one of the ways to structure an Order's POP and is a highly specialized endeavor. OCOs considering multi-year contracting are reminded of their obligations under FAR 1.602-2 Responsibilities.

The term for each Order placed under CIO-SP3 shall be specified in the individual Order. OCOs may include options in accordance with (IAW) FAR Part 17, when applicable. When citing options in an Order, the full cost or price for the performance of the work must be established and evaluated in the initial Order. Order duration is not dependent upon exercise of the CIO-SP3 option or expiration of CIO-SP3. This means that an OCO can exercise an Order option period even if CIO-SP3 is no longer available for new Orders. OCOs are required to document that Order options are in the best interest of the government consistent with FAR 17.207, and applicable agency supplements.

Roles and Responsibilities

GWAC Contracting Officer or Procuring Contracting Officer

The CO or PCO has full pre- and post-award responsibility for the CIO-SP3 GWAC IAW the FAR, agency regulations and NITAAC's OMB Executive Agent Designation. The following highlights some key CO/PCO responsibilities but is not all inclusive:

- Modify CIO-SP3 terms and conditions, which is an exclusive, non-delegable right
- Advise and guide Ordering/requiring activities, OCOs and contractors regarding all CIO-SP3 requirements
- Provide complimentary pre- and post-award technical scope assessments on all CIO-SP3 Orders
- Educate Ordering/requiring activities on how to use CIO-SP3 to meet their IT requirements
- Conduct meetings with CIO-SP3 prime contractors
- Review Subcontract Reporting and CIO-SP3 Contractor Administrative Reporting
- Report information to OMB such as exceptions to fair opportunity, type of contract, # of awards, etc.

Ordering Contracting Officer

The OCO has full pre- and post-award responsibility for the Order IAW the FAR and agency regulations. The following list highlights some key OCO responsibilities but is not intended to be all inclusive:

1. **Fair Opportunity** – Ensure that all contractors are provided a fair opportunity to be considered in accordance with FAR 16.505(b)(1). Any exceptions to the fair opportunity process must be consistent with FAR 16.505(b)(2)(i). If an exception to the fair opportunity process is used, OCOs must ensure that justification, approval, and posting requirements are completed in accordance with FAR 16.505(b)(2)(ii). See Appendix D on page 51: Summary of Justification, Approval and Posting Requirements.

2. **Funding** – Verify that funding is available. Comply with appropriations law and financial policy. Ensure timely obligation of funds, and de-obligation and disposition of excess funds.
3. **COR** – If a Contracting Officer's Representative (COR) is assigned to perform Order monitoring functions, you must ensure that the extent of their authority and responsibilities is clearly defined and agreed upon in accordance with FAR 1.602-2(d). OCOs must ensure that any COR designated is properly equipped, trained, and qualified to handle those responsibilities pursuant to your agency policy. The COR must be designated prior to award of a cost reimbursement Order. The designation must be in writing (i.e., specifying responsibilities, authorities and limitations) and a copy must be provided to the contractor (See FAR 16.301(a)(4)).
4. **Task Order Protests, Disputes and Claims** – Receive and respond to Order protests, disputes and claims. The warranting agency is responsible for the OCO's decisions and actions as a warranted contracting officer.
5. **Monitor, Evaluate and Report Contractor Task Order Performance** – Assure contractor performance and support compliance with both Order and contract terms and conditions. Take appropriate action to maintain the government's rights. OCOs are required to conduct contractor performance evaluations IAW FAR 42.15 and applicable agency policies. Interim performance evaluations are required for each Order. OCOs should use their organization's designated contractor performance reporting application to record performance.
6. **Cost or Price Analysis and Audits** – Perform and document cost analysis and/or price analysis (FAR 15.4) as appropriate in determining the overall Order price to be fair and reasonable, as well as respond to any related audits.

The Ordering Process

- Step 1** Plan the Acquisition
- Step 2** Define Requirements and Develop Solicitation
- Step 3** Issue Solicitation Offering Fair Opportunity to All CIO-SP3 Primes
- Step 4** Evaluate Proposals—Price and Other than Price
- Step 5** Document Award, Debriefings and Protests
- Step 6** Administer and Close Out Order

Step 1: Plan the Acquisition

FAR 16.505(a)(7) states, Orders issued under a task or delivery order contract awarded by another agency (a GWAC or multi-agency contract) are not exempt from the development of acquisition plans IAW FAR Part 7 Acquisition Planning and FAR Part 39 Acquisition of IT.

When developing an acquisition plan for acquiring information technology service solutions, OCOs:

- Are not required to adhere to the competition requirements in FAR Part 6, the policies in FAR 15.3 Source Selection or the Economy Act
- Must comply with all FAR requirements for a bundled contract when the Order meets the definition of “bundled contract” (See FAR 2.101[b])
- Should consider the use of modular contracting to reduce program risk (see 39.103[a]) as required by the Information Technology Reform Act and the 25 Point Implementation Plan to Reform Federal Information Technology (See OMB “Contracting Guidance to Support Modular Development” dated June 14, 2012)
- Must address FAR 7.102(a) which requires as part of acquisition planning, appropriate consideration of the use of pre-existing contracts, including interagency and intra-agency contracts to fulfill the requirement before awarding a new contract
- Give special consideration to high-risk contract types such as cost reimbursement and time and materials/labor hour. Document the rationale for

selecting other than firm-fixed-price contracts (See FAR 7.103 [e] and [j] and FAR 7.105 [b][3] respectively) and obtain required approvals

- Can be documented as part of an agency's planning document (e.g., acquisition plan)
- Does not require a formal Determination and Finding (D&F) or Justification and Approval (J&A) (See pages 4 and 5 of OMB Memorandum on "Improving the Management and Use of Interagency Acquisitions" dated June 6, 2008

Step 2: Define Requirement and Develop Solicitation

Agencies are encouraged to use Performance Based Service Acquisitions to the maximum extent practicable. As a reminder, OCOs may request technical scope assessments at any time during the acquisition process free of charge and are encouraged to do so prior to soliciting proposals.

Performance Based Service Acquisition (PBSA)

Performance Based Contracting means an acquisition structured around the results to be achieved as opposed to how the work is to be performed. The Office of Federal Procurement Policy (OFPP) recommends that a Performance Work Statement /Statement of Objectives be used, to the maximum extent practicable, when acquiring services IAW FAR 37.102(a) and for DoD, DFARS 237.170-2. Pursuant to FAR 37.601(b), Performance Based Contracts for services shall include:

- A Performance Work Statement
- Measurable performance standards
- A method of assessing contractor performance against performance standards
- Performance incentives where appropriate

Performance Work Statement (PWS)

A PWS identifies the technical, functional and performance characteristics of the Government's requirements. The PWS describes the work in terms of the purpose of the work to be performed rather than how the work is to be accomplished or the number of hours to be provided. A best practice is to invest enough time and effort up front to write a clear high-quality Performance Work Statement that will enable offerors to

clearly understand the requirement and needs of the agency. This will enable offerors to more accurately cost or price their proposals and submit higher quality technical proposals. Furthermore, it provides a baseline for the development of other parts of the solicitation, particularly the evaluation criteria and technical proposal instructions which are discussed in the paragraph below, “Solicitation.”

A clearly defined requirement also facilitates a more accurate independent cost estimate and prospectively more accurate budgeting for option periods. Potential post award benefits include minimizing the need for change orders, better assessment criteria for judging contractor performance and reduced claims and disputes.

Statement of Objectives (SOO)

An SOO is a variant of the PWS. It is often a very brief document (commonly about 2 to 10 pages, depending upon complexity, although there is no maximum or minimum required length) which summarizes key agency goals and outcomes, to which contractors respond with solutions. It is different from a PWS approach in that offerors are asked to develop and propose a PWS, technical approach, performance standards/metrics and acceptable quality levels (commonly called a performance requirement summary [PRS]), incentives/disincentives, a Quality Assurance Surveillance Plan (typically based upon commercial practices) and pricing. At a minimum, an SOO should contain the following information:

- Purpose
- Scope or mission
- Period and place of performance
- Background
- Performance objectives (i.e., required results)
- Any operating constraints

Upon award, the agreed upon PWS, PRS, incentives/disincentives (if any) and pricing should be incorporated into the resulting Order.

Incentive

The OCO must evaluate and determine the appropriateness of all incentive terms and develop a surveillance plan to implement and monitor an award-fee, incentive-fee, or award-term result IAW FAR 15.4, Contract Pricing, and FAR 16.4, Incentive Contracts. This is an area of increasing regulatory oversight pursuant to Section 867 of the NDAA 2009, P.L. 110-417.

Solicitation

A solicitation may be in the form of a Request for Proposal (RFP), sometimes called a Task Order Request (TOR), or a Request for Quote (RFQ), sometimes called a Delivery Order Request (DOR). The language is purposefully different because the definitions under FAR 13 & 15 do not apply. It must include an SOW/PWS/SOO, evaluation factor(s), contract type, period and place of performance, due date, applicable proposal instructions and other information (agency specific clauses) identifiable to the work effort. The RFP will include evaluation factors tailored to the specific requirement.

Investing enough time and effort up front to write clear, high-quality requirements provides the government a baseline for the development of other parts of the solicitation, particularly the evaluation criteria and technical proposal instructions. Clearly defined requirements facilitate a more accurate independent government estimate and more accurate budgeting. In addition, clearly defined requirements help industry to better understand the agency requirements and needs, facilitating more accurate pricing and higher quality technical proposals.

An additional best practice is to provide clear instructions for proposal preparation as well as keeping the required submissions to the minimum necessary. This approach combined with streamlined evaluation factors should result in reduced administrative costs and time for both the contractor and government in the proposal preparation and evaluation process. In addition, this facilitates increased competition and reduced procurement lead times, enabling contractors to provide more innovative solutions at better prices. The result is probably fewer protests and the best value to the government with lower risk: a win-win for all parties.

Cost or price must be an evaluation factor for all Orders.

Other selection factors should be limited to those few that are meaningful discriminators in assessing competing offers. Below are some examples of possible factors:

- Past performance (strongly encouraged)
- A risk analysis of the Order performance
- Strengths and weaknesses in performing the desired outcomes
- Management approach
- Technical approach
- Experience of key personnel

Additional FAR and/or Any Specific Agency Provisions and Clauses

Additional FAR provisions and clauses that are complimentary to CIO-SP3 may be added at the Order level. If you intend to follow FAR Part 12 Acquisition of Commercial Items, make sure you structure the Order RFQ/RFP accordingly.

Provisions and clauses that supplement the FAR, which are prescribed and included in authorized agency acquisition regulations may be included in the Order if they are not inconsistent with CIO-SP3 terms and do not exceed its scope. The OCO is responsible for clearly identifying the applicable provision and clause configuration in Order solicitations.

Other Solicitation Considerations

Excluded Parties List Review

Although an affirmative responsibility determination was made for each CIO-SP3 prime contractor at time of award, it is highly recommended that OCOs complete and document an Excluded Parties List review prior to making an Order award. This policy is consistent with FAR 9.405-1 and the Office of Federal Procurement Policy Memorandum, "Contractor Responsibility Determinations and Indefinite Delivery Contracts," dated April 16, 2002 and DFARS 209.405-1.

Certification Regarding Responsibility Matters

OCO's shall insert the provisions at 52.209-5 Certification Regarding Responsibility Matters and 52.209-7 Information Regarding Responsibility Matters (applies over \$500K).

Inverted Domestic Corporations (IDCs)

OCO's must assure they do not award to IDCs when using appropriated funds—unless they get a waiver from the Head of the Contracting Activity (HCA). Additionally, when issuing solicitations using appropriated funds OCO's must include the following provision: FAR 52.209-2 Prohibition on Contracting with Inverted Domestic Corporations Representations (July 2009). FAR 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations (May 2012) has been added to the CIO-SP3 GWAC via modification.

Step 3: Issue Solicitations – Offer Fair Opportunity to All CIO-SP3 Primes

Orders issued under FAR 16.505 are not subject to the competition requirements in FAR Part 6. A solicitation synopsis in <https://SAM.gov> is not required or recommended for Orders issued against indefinite delivery contracts.

The use of e-GOS is the required method to broadcast an RFQ/RFP notice to all contract holders and satisfies the “fair opportunity to be considered” notification requirement.

Compete Requirement Offering Fair Opportunity to be Considered

Since CIO-SP3 is a multiple award, indefinite delivery, indefinite quantity contract, fair opportunity (see FAR 16.505[b], and for DoD, see DFARS 216.505-70), must be given to all primes, unless an exception applies pursuant to FAR 16.505 (b)(2) as indicated below (see DFARS 216.505-70 for DoD).

Exceptions to the Fair Opportunity Process

The contracting officer shall give every awardee a fair opportunity to be considered for Orders exceeding the micro-purchase threshold unless one of the following statutory exceptions applies:

1. The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays
2. Only one awardee can provide the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized
3. The Order must be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an Order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original Order
4. It is necessary to place an Order to satisfy a minimum guarantee
5. For Orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source

In accordance with FAR 16.505(b)(1), each contractor shall be given a fair opportunity to be considered for each Order exceeding the micro-purchase threshold. The OCO must determine and document the method used to ensure fair opportunity is provided to all CIO-SP3 contractors. In accordance with FAR 16.505 (b)(1)(iii), if an exception to the fair opportunity process is used, OCOs must ensure that justification, approval and posting requirements are completed in accordance with FAR 16.505(b)(2)(ii). For more information, see Appendix D on page 51: Summary of Justification, Approval and Posting Requirements. The contracting agency's obligations to provide "a fair opportunity to be considered" for Orders in excess of \$5M is not met unless "all contractors" are provided the following (at a minimum):

1. A notice of the Order that includes a clear statement of the agency's requirements
2. A reasonable period to provide a proposal in response to the notice

3. Disclosure of the significant factors and sub factors, including cost or price, which the agency expects to consider in evaluating such proposals, and their relative importance
4. A written statement documenting the basis for the award and the relative importance of quality and price or cost factors
5. An opportunity for a post-award debriefing if requested in a timely manner

Streamlined Order Competitions/Multi-phased Approach

Various multi-phased approaches are acceptable under FAR 16.505 (b)(1)(iv)(A)(5) and are totally discretionary on the part of the OCO. The multi-phased approach may be appropriate when the effort required to respond to a potential Order solicitation is resource intensive. As appropriate, price and non-price factors should be considered in the initial evaluation. For more information, see Appendix E on page 59: Two Examples of a Multi-phased Approach.

Step 4: Evaluate Proposals – Price and Other Than Price

OCOs should evaluate proposals based on the methodology stated in the solicitation to maintain fairness in the Order process and mitigate protest risk. Either tradeoff or lowest price technically acceptable evaluations are valid best value methods and are authorized at the Order level. FAR-based and Client agency policy-based evaluation methods for assessing price and/or cost, and non-price/non-cost aspects of quotes and proposals to achieve best value are useful guides for OCOs.

Pricing-General

The OCO is responsible for analyzing Order proposals and documenting the cost or price evaluation to include a determination that the final agreed to price is fair and reasonable, irrespective of contract type(s), IAW FAR 15.4 Contract Pricing and agency requirements. The OCO should consider the contract type, complexity and circumstances of each acquisition in determining the level of detail and degree of analysis required, striving to keep supporting data to the minimum necessary to support price reasonableness. When adequate price competition exists (see FAR 15.403-

1[c][1]) generally no additional information is necessary to determine price reasonableness.

Direct Costs can be identified with a final cost objective whereas indirect costs are costs that are allocated to intermediate or two or more final cost objectives. Indirect costs may be applied to direct costs IAW the contractor's cost accounting system. OCOs must also guard against "double-counting" by ensuring that the same other direct costs (ODCs) are not included in more than one cost category, and that all costs are classified IAW the company's standard accounting practices. The OCO must also assess the overall reasonableness, allowability and allocability of the proposed ODCs IAW FAR 15.4 Contract Pricing and the cost principles in FAR Part 31. ODCs are addressed and handled IAW the applicable contract type.

Pricing-Fixed Price (FP)

A FP contract provides for a firm price that is not subject to any adjustment based on the prime contractor's cost experience in performing the contract. The OCO must determine fair and reasonable pricing for all FP Orders IAW FAR 15.4 Contract Pricing and CIO-SP3. See Contract (Conformed) Section B.4 Prices/Cost for more information.

Pricing-Cost Reimbursement

Additionally, the OCO must determine cost allowability, allocability and realism and must analyze and negotiate fees for all cost reimbursement Orders. Refer to FAR 15.4 Contract Pricing. The OCO should also validate that the Contractor possesses an adequate cost accounting system as part of their file documentation.

Contractors will be required to submit a cost proposal with supporting information for each cost element, including, but not limited to, direct labor, fringe benefits, overhead, general and administrative (G&A) expenses, facilities capital cost of money, Other Direct Costs (ODCs) and profit consistent with their cost accounting system, provisional billing rates and forward pricing rate agreements.

Pricing-Time and Materials (T&M) and Labor Hour (LH)

CIO-SP3 provides loaded hourly labor rates for T&M and LH contract types. These loaded hourly labor rates may also be used to develop an Independent Government Cost Estimate (IGCE), as applicable within the Continental United States (CONUS). Labor rates are posted at each contractor's website; and links to those websites are at <https://nitaac.nih.gov/search/contract-holders>.

If proposing rates higher than the loaded hourly labor rates, contractors shall explain and justify this in their Order proposals. The OCO is responsible for determining that the total price for the Order is appropriate given the requirements of each individual Order as well as the level of effort and mix of labor proposed to perform the task. Adequate price competition on T&M and LH Orders placed under CIO-SP3 is expected to establish price reasonableness IAW FAR 15.4 Contract Pricing. Materials are reimbursed at cost (no profit) IAW FAR 52.232-7 Payments under Time and Materials and Labor Hour Contracts. Allowable indirect costs and ODCs may be included to the extent they are comprised only of costs that are clearly excluded from the hourly rate and allocated IAW the contractor's written or established accounting practices. OCOs are encouraged to clarify the handling of ODCs by documenting the agreed upon procedures in the final Order.

The OCO is authorized to establish different hourly rates suited to meet the ordering agency's specific requirements and determine fair and reasonable pricing IAW FAR 15.4 Contract Pricing. Rates may only be exceeded when unique circumstances such as geographic area or security clearances are explained by the contractor to the satisfaction of the OCO. OCOs need to perform an independent analysis before accepting any loaded rate that exceeds the rate in the basic contract. If adequate price competition is not present, or the OCO cannot otherwise determine price reasonableness, the OCO may request information other than cost or pricing data IAW FAR 15.403-3.

Step 5: Order Award Documentation Debriefings and Protests

Order Award Documentation

FAR 16.505(b)(5) Ordering states that the OCO shall document in the Order file the rationale for placement and price of each Order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision. The contract file shall also identify the basis for using an exception to the fair opportunity process. If the agency uses the logical follow-on exception, the rationale shall describe why the relationship between the initial Order and the follow-on is logical (i.e., in terms of scope, period of performance or value). The document supporting the award should be sufficiently detailed to clearly explain why the contractor was selected for award.

Post-award Notices and Debriefing of Unsuccessful Awardees for Orders Exceeding \$5 Million

The OCO shall notify unsuccessful awardees via a post-award notification when the total price of an Order exceeds \$5M per FAR 16.505(b)(4). For Orders in excess of \$5.5 million, unsuccessful awardees will receive, at a minimum:

- A notice of the Order that includes a clear statement of the agency's requirements
- A reasonable response period
- Disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating proposals and their relative importance
- Where award is made on a best value basis, a written statement documenting the basis for award and the relative importance of quality and price or cost factors
- An opportunity for a post-award debriefing in a timely manner

If a debriefing is requested by an unsuccessful awardee, the procedures at FAR 15.506 Post-Award Debriefing of offerors shall be followed. A summary of the debriefing shall

be included in the Order file. Post-Award Notices and Debriefings for Orders less than \$5 million are encouraged but not required.

Alternative Dispute Resolution

The Administrative Dispute Resolution (ADR) Act encourages the use of alternative means of resolving disputes involving government agencies. The Act is based on Congress finding that alternative processes, including mediation, often yield decisions that are faster, less expensive, and less contentious and can lead to more creative, efficient and sensible outcomes. Partnering lays the foundation for better working relations on a project including better dispute resolution. This partnership is bilateral in make-up and participation in the ADR process is totally voluntary.

Order Level Protest

In accordance with FAR 16.505 (a)(10)(i), no protest under \$10 million is authorized in connection with the issuance or proposed issuance of an Order under a task or delivery Order contract, except for a protest on the grounds that the Order increases the scope, period of performance or maximum value of the contract. The Government Accounting Office (GAO) has exclusive jurisdiction over any protests greater than \$10 million.

Ombudsman Process

IAW FAR 16.505(b)(6) and 10 U.S.C. § 2304c (3), complaints related to matters affecting the Order award may be directed to the designated Ombudsman.

In accordance with FAR 16.505(b)(5), the following individual has been designated as the NIH Ombudsman for task and delivery order contracts:

Dr. Richard G. Wyatt

NIH Competition Advocate for Non-R&D Contracts

1 Center Drive, 160, MSC 0151

Bethesda, MD 20892-0151

Phone: (301) 496-4920

Email: WyattRG@mail.nih.gov

Step 6: Administer and Close Out Order

Quality Assurance – Contractor Surveillance

The OCO is responsible for ensuring contractor performance meets the minimum requirements established in the Order, documenting the Order file, and communicating with the contractor to ensure that the Government is receiving the contracted services. If contractor performance monitoring is delegated to a Contracting Officer's Representative (COR), the specific authority/limitations should be documented in accordance with FAR 1.602-2(d) and a copy provided to the contractor.

Reporting Past Performance

Past performance records may be used in the "selection process" for determining award (see FAR 16.505 Ordering). The Federal Acquisition Regulation Part 42.15 requires that past performance evaluations shall be prepared for each Order with a period of performance, including options, exceeding one year. Agencies shall prepare an evaluation of contractor performance for each Order that exceeds the simplified acquisition threshold placed under a task or delivery Order contract awarded by another agency (i.e., Government-Wide Acquisition Contract or Multi-Agency Contract). Agencies shall submit past performance reports electronically to the Contractor Past Performance Assessment Reporting System (CPARS) at <https://cpars.gov/>. In addition, OCOs must report other contractor information per FAR 42.15 in the Federal Awardee Performance Information and Integrity System (FAPIS) module of CPARS.

Reporting and Order Closeout

The OCO is responsible for preparing and submitting the FPDS data for each Order and all related modifications they issue. The OCOs are required to provide an Order completion statement to the GWAC CO verifying that all terms of the contract have been met and there are no remaining open items. Closeout procedures (FAR 4.804 and 4.805) shall include a release of claims from the contractor.

OCO's are strongly encouraged to utilize quick closeout procedures in FAR 42.708, when applicable, because it is a faster method of completing the closeout process. It

allows the OCO to negotiate the indirect rates rather than waiting for the cognizant Administrative Contracting Officer (ACO) to negotiate the final indirect rates.

Contact Information for Client Support

Joint Venture (JV): CIO-SP3 prime contractors can propose as a single corporate entity or through a contractor teaming arrangement (CTA) in the form of a joint venture or partnership, whereby the CTA acts as the prime contractor. As part of the initial evaluation process, the teaming arrangement was evaluated. Subcontract arrangements were not considered in the initial award evaluation. Therefore, subcontract arrangements and any consent to subcontract requirements are the responsibility of the OCO.

Only existing CIO-SP3 contractors who were awarded prime contracts may participate in task Order competitions. It is up to the CIO-SP3 prime contractor to determine what type of contractual arrangement they wish to establish with any entity they bring in on their team in the performance of a CIO-SP3 Order. However, the CIO-SP3 prime will be the entity responsible for performance and the entity with which the government has privity of contract. There are three CTAs that submitted proposals and were awarded prime contracts under CIO-SP3 (see JV designation above).

Contractor Responsibilities and Guidance

Contact Access Fee Remittance

The NIH Contract Access Fee (NCAF) reimburses NIH for the cost of operating the CIO-SP3 Program. The CAF percentage is set at the discretion of NITAAC and NITAAC maintains the unilateral right to change the percentage at any time, but not more than once per year. NITAAC will provide reasonable notice prior to the effective date of any change.

Contractors shall remit the CAF in U.S. dollars to NITAAC within the time specified in Article G.8 of the Contract (Conformed) for all paid invoices during that calendar quarter. Where CAF for multiple invoice payments (on one or more Orders) is due, contractors may consolidate the CAF owed into one payment per GWAC family. CAF payments shall not be combined with another GWAC, Schedule, or any other NITAAC Contract.

The CAF method to remit payments is via Electronic Funds Transfer (EFT), or preferably via the CPRM system using pay.gov. Payments can be made directly from the contractor's business bank account or by credit/debit card once the online pay.gov system enhancement for accepting credit/debit cards has been deployed. If for some reason you are not able to access the CPRM to make the secure pay.gov payment, then you must notify the PCO that you will make a payment outside the CPRM system. If a payment is remitted outside the CPRM system, then you **MUST** include your Financial Contract Number (10-digit short Contract Number) on your payment.

The NITAAC Federal Acquisition Service (FAS) reserves the right to unilaterally change such instructions as necessary, following notification to the contractor. Failure to remit the CAF in a timely manner will constitute a Basic Contract Debt to the United States Government under the terms of FAR 32.6.

Potential Organizational Conflicts of Interest

In the event a potential Order might create a potential or actual conflict of interest, the contractor shall identify the potential or actual conflict to the OCO for review per FAR 9.5.

Federal Funding Accountability and Transparency Act 52.204-10

The Federal Funding Accountability and Transparency Act's (FFATA) intent is to empower every American with the ability to hold the government accountable for each spending decision. The result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is at <https://USAspending.gov>

The FFATA Sub-award Reporting System (FSRS) is the reporting tool federal prime awardees (i.e., prime contractors and prime grants recipients) use to capture and report sub-award and executive compensation data regarding their first-tier sub-awards to meet the FFATA reporting requirements. Prime contract awardees will report against subcontracts awarded and prime grant awardees will report against sub-grants awarded. The sub-award information entered in FSRS will then be displayed on www.USAspending.gov associated with the prime award furthering federal spending transparency.

Cost Accounting and Purchasing System

Contractors are required to have an adequate cost accounting system for cost reimbursement type Orders IAW FAR 16.301-3(a)(1). The contractor shall notify the ACO and designated OCOs for ongoing Orders, in writing, if there are any changes in the status of their cost accounting system and provide the reason(s) for the change. IAW FAR 44.201-2, Advance Notification Requirements, contractors with approved purchasing systems shall notify the ACO and designated OCOs on individual Orders, in

writing, if there are any changes in the status of their approved purchasing systems and provide the reason(s) for the change.

Responding to Opportunities

In accordance with the CIO-SP3 Contract (Conformed), Article G.7 Task Order Procedures, contractors are required to respond to each Order request (RFP/RFQ) with either a proposal or a statement of “No Bid” along with the reason for not submitting a proposal. Contractors should not provide extraneous information unless it is explicitly required by the OCO in the initial request. A Bid/No Bid statement is required for an RFP/RFQ but not for an RFI. CIO-SP3 prime contractors may respond to RFIs (e.g., capabilities request, market research) in the manner prescribed by the OCO by the required due date.

Closeout

The contractor agrees to cooperate with the OCO to close out Orders as soon as practical after expiration, cancellation or termination of each Order. Contractors shall adhere to the metrics for closeout as stipulated in FAR 4.804-1. The GWAC CO will monitor the timeliness and effectiveness of closeout as part of the contractor’s performance assessment.

Assuring Information Technology (IT) Services or IT Services Based Solutions are the Principal Purpose of every Order

Under-representation of IT services and over-representation of non-IT services and/or products may be problematic. For the current definition of IT see FAR 2.101. Industry partners often conduct outreach to encourage utilization of a particular contract; therefore, it behooves them to encourage potential CIO-SP3 customers to understand the GWAC's value proposition, which includes the advance scope compatibility assessment process. NITAAC invites the CIO-SP3 industry partners to share in the responsibility for ensuring work under the GWAC is a good fit. As advance scope compatibility assessments are not mandatory, CIO-SP3 industry partners noticing Order solicitations that appear questionable are invited to proactively bring them to the attention of the GWAC CO. Similarly, if a CIO-SP3 contractor has received a CIO-SP3 Order and later recognizes it would benefit from a scope compatibility assessment, NITAAC will work in partnership with the stakeholders to review the Order.

Not Allowed on the CIO-SP3 GWAC

- Renting/leasing (it is permissible for a contractor to enter into rental or lease agreements to fulfill Order requirements for real and/or personal property, but the government will not be a party to them).
- Blanket Purchase Agreements
- Orders for which IT services outcomes are not the principal purpose

Past Performance

The contractor is responsible for monitoring its status in, and participating in, the various federal past performance record systems, such as the Contractor Performance Assessment Reports (CPARs at: <https://cpars.gov/>) and the Past Performance Information Retrieval System (PPIRS). PPIRS data has been merged into CPARS and the PPIRS name will no longer be used except in the FAR.

Systems

e-GOS

The Electronic Government Ordering System (e-GOS) is located at <https://cio.egos.nih.gov/#login> or can be reached from the NITAAC website at <https://nitaac.nih.gov>.

Task Orders must be competed in e-GOS. Registration in e-GOS is required. After registration, monitoring of e-GOS opportunities is required. Industry partners will receive notices regarding opportunities in e-GOS at their registered email address. Respond in the manner prescribed in the request. If you need assistance, contact NITAAC Support at 1888.773.6542 or NITAACsupport@nih.gov.

System for Award Management (SAM)

The System for Award Management is located at <https://sam.gov>.

All industry partners are required to register in SAM, maintain complete up-to-date registrations and diligently monitor their accounts. Registrations require annual renewal.

Federal Procurement Data System - Next Generation (FPDS-NG)

The FPDS System is available at: <https://fpds.gov/>.

The FPDS website collects data regarding government procurements to provide a broad picture of the overall federal acquisition process. It can be searched in many ways including contract number, company name, and Order number. FPDS reports has migrated to the SAM.gov databank. For information contact <https://SAM.gov>.

Federal Funding Accountability and Transparency Act Portal

The Federal Funding Accountability Portal is available at: <https://USAspending.gov>

The Federal Funding Accountability and Transparency Act (FFATA) of 2006, requires the establishment of a single searchable website for federal awards. USAspending.gov displays prime award information; data pertaining to obligations (amounts awarded for federally sponsored projects during a given budget period); and first-tier sub-award data

(subcontracts and sub-grants). Sub-award information shown on the website is provided by the FFATA Sub-award Reporting System (FSRS).

Contractor Webpage

Within 30 days after contract award, the contractor shall have developed a publicly available webpage, accessible via the Internet. The contractor shall provide the direct Uniform Resource Locator (URL) for the webpage to be displayed on the NITAAC website and shall maintain this webpage until administrative closeout of the contract and any Orders issued under the contract, ensuring that the information displayed remains current. The Contract Holder shall ensure the accuracy of its information as displayed on the NITAAC website Contract Holder page, and promptly notify NITAAC Support of any changes. The webpage URL domain name shall align with the contractor's legal business name.

The purpose of the webpage is for the contractor to communicate with potential customers regarding the contractor's ability to provide world-class professional support services. At a minimum, this webpage must include the following items:

- The awarded Standard Form 26
- Latest contract (conformed)
- The loaded labor rates for each contract year of both government and contractor sites
- Prompt payment terms
- Contact information for the contractor's Program Manager (PM) as listed on the NITAAC website
- A hyperlink to the NITAAC CIO-SP3 website
- The latest NITAAC and NITAAC CIO-SP3 logos

This webpage must conform to the relevant accessibility standards referenced in Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, Section 1194.22, Web Based Intranet and Internet Information and Applications. The contractor's website shall be

available for use 24 hours per day, 7 days per week. The contractor is responsible for promptly notifying NITAAC Support of any changes to the contractor URL.

Appendix A: Glossary of Acronyms

AA	Assisted Acquisitions
ACO	Administrative Contracting Officer
CLIN	Contract Line-Item Number
DoD	Department of Defense
DOR	Delivery Order Request
e-GOS	Electronic Government Ordering System
FAQ	Frequently Asked Question
FAR	Federal Acquisition Regulation
FFP	Firm Fixed Price
FPDS	Federal Procurement Data System
GAO	Government Accountability Office
GWAC	Government-Wide Acquisition Contract
GWAC CO	GWAC Contracting Officer
IAW	In Accordance With
IGCE	Independent Government Cost Estimate
IT	Information Technology
ITSS	IT Solutions Shop
LH	Labor Hour
NCAF	Contract Access Fee
NDAAC	National Defense Authorization Act
NITAAC	National Institutes of Health Information Technology Acquisition and Assessment Center
OCO	Ordering Contracting Officer
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
PBSA	Performance-Based Service Acquisitions
PWS	Performance Work Statement
RFI	Request for Information
RFP	Request for Proposal
RFQ	Request for Quote
SAM	System for Award Management
SOO	Statement of Objectives
SOW	Statement of Work
T&M	Time and Materials
TOR	Task Order Request

Appendix B: Scope of CIO-SP3

The CIO-SP3 Government-Wide Acquisition Contract (GWAC) is intended to provide information technology (IT) solutions and services as defined in FAR 2.101(b) and further clarified in the Clinger-Cohen Act of 1996. These IT solutions and services include, but are not limited to, health and biomedical-related IT services to meet scientific, health, administrative, operational, managerial and information management requirements. The contract also contains general IT services within a broader IT architecture, requiring a systems approach to their implementation and a sound infrastructure for their operation.

Ten task areas constitute the technical scope of CIO-SP3, as listed below. You'll find examples of each on the following pages. Remember, these task areas are not exhaustive, and other IT services, as required, may be associated with the task areas defined in a PWS/SOW/SOO. If you have questions about which Task Areas your requirement falls under, please feel free to contact NITAAC at 1.888.773.6542 or NITAACsupport@nih.gov.

- [Task Area 1: IT Services for Biomedical Research, Health Sciences and Healthcare](#)
- [Task Area 2: Chief Information Officer \(CIO\) Support](#)
- [Task Area 3: Imaging](#)
- [Task Area 4: Outsourcing](#)
- [Task Area 5: IT Operations and Maintenance](#)
- [Task Area 6: Integration Services](#)
- [Task Area 7: Critical Infrastructure Protection and Information Assurance](#)
- [Task Area 8: Digital Government](#)
- [Task Area 9: Enterprise Resource Planning](#)
- [Task Area 10: Software Development](#)

Task Area 1 – IT Services for Biomedical Research, Health Sciences and Healthcare

The objective of this task area is to support Biomedical Research, Health Sciences and Healthcare by performing studies and analyses, and providing operational, technical and maintenance services for the systems, subsystems, and equipment, some of which interface with, and are extensions to, information systems throughout the federal government. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Health Sciences Informatic and Computational Services
- b. Health Communication Support Services and Enhancements to Facilitate Integration and Data Exchange at the Federal, State and Local Level
- c. Integration of Health Systems Across Federal Agencies and Public and Private Healthcare Systems
- d. Modernization and Enhancement of Existing Health IT Legacy Systems
- e. Automation of Administrative and Clinical Processes
- f. Biomedical Information Services
- g. Biomedical Modeling, Visualization and Simulation
- h. Bio-surveillance and Disease Management Support
- i. Scientific Computing Services
- j. IT Clinical Support Services
- k. Telemedicine (e.g., Mobile Health/mHealth)
- l. Healthcare Payment Processes and Fraud and Abuse in Medical Claims
- m. Health Emergency Preparedness and Response to Include IT Support for Epidemic and Bio-Terrorism Simulations, Emergency Response Training, Exercise Support, etc.
- n. Security of Healthcare and Biomedical Research Systems
- o. IT Service Management
- p. Healthcare Systems Studies
- q. Natural Language Processing Software and Services (Biology/Medicine Focus)
- r. Medical Computer-based Training
- s. Standards Development for Health IT Services

Task Area 2 – Chief Information Officer (CIO) Support

The objective of this task area is to support Chief Information Officers in implementing laws, regulations and policies and to facilitate evolving CIO practices. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. IT Governance Process Development and Management
- b. Workforce Management
- c. Capital Planning and Investment Control Support
- d. Independent Verification and Validation
- e. Agency Information Technology Architecture Support
- f. IT Portfolio Analysis
- g. Risk Management
- h. Program Analyses and Implementation (including Business Case Analysis, Cost/Benefit Analysis and Cost Effectiveness Analysis)
- i. IT Organizational Development
- j. Program Management Office Support
- k. Advisory and Assistance Services
- l. FEA Alignment Support Services
- m. Market Research

Task Area 3 – Imaging

The objective of this task area addresses systems and services that support the collection, storage and retrieval of digital images. Digital images can include scanned documents, medical images, geographical information systems, video and photographs. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Document Management Systems
- b. Image Conversion
- c. Image Content Management
- d. Medical Imaging, including Picture Archiving and Communication Systems
- e. Document Imaging
- f. Workflow Management for Digital Imaging Functions
- g. Geospatial and Scientific Imaging
- h. Environmental Imaging
- i. Image Analysis
- j. 3D Immersive Visualization
- k. Imaging Related to Laboratory and Test Equipment
- l. Security Imaging
- m. Identity and Access Management

Task Area 4 – Outsourcing

The objective of this task area is to provide the Information Technology infrastructure and IT services required to assume management and operations of government IT resources and IT business functions. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Program Management
- b. Management of Call Centers
- c. Network Operations and Web Management Support
- d. Leasing of Hardware and Software
- e. Tools and Applications (including Application Service Provider)
- f. Hardware/Software Maintenance
- g. Transition Planning
- h. A-76 Studies Specific to IT Operations or Support
- i. Data Base Administration and Data Storage Management
- j. Backup and Recovery Services System Console Operations
- k. Production Control and Management
- l. Asset Management (including Radio Frequency Identification [RFID] Tracking)
- m. IT Acquisition Management
- n. Desktop Computing as a Unified Service
- o. Managed IT Services Support
- p. IT Impact Analyses
- q. Workflow Management
- r. Implementation of Standards (e.g., International Organization for Standardization [ISO] 9000, Capability Maturity Model Integration [CMMI], IT Services Management)
- s. Solution Leasing
- t. Software-as-a-Service (SaaS)
- u. Cloud Computing

Task Area 5 – IT Operations and Maintenance

The objective of this task area is to support the operation and maintenance of IT systems, keeping IT systems viable with supported vendor releases or off-the-shelf applications software upgrades. Operations and maintenance on IT systems shall include all software and hardware associated with mainframes, client/server, web-based applications and networking. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Operational Support
- b. Software Maintenance and Upgrades
- c. Telecommunications Maintenance (Data, Voice, Images, including Wireless)
- d. Infrastructure Management Services (IMS)
- e. Configuration Management
- f. Network/Hardware Support
- g. Help Desk/IT Support
- h. Resource Management
- i. Backup and Recovery Management
- j. Installation, Configuration and Tuning
- k. Electronic Software Licensing Services including Licensed Deployment, Management, Tracking, Upgrading, etc.
- l. System Management
- m. IT Training
- n. IT Operation and Maintenance Planning
- o. Data Quality Management
- p. Transformation Services
- q. Continual Service Improvement
- r. Balanced Scorecard for Operations
- s. IT Infrastructure Optimization

Task Area 6 – Integration Services

The objective of this task area is to support the development and deployment of integrated information systems, which includes the integration of technical components, information technology components, organizational components, and documentation. Integration projects can support a wide range of agency functions. In the healthcare and research domain, medical imaging systems, patient management systems, clinical management systems, and laboratory management systems are often provided via integration of commercial components with existing infrastructure. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Infrastructure Engineering, Development, Implementation and Integration
- b. Enterprise Application Integration
- c. Gap Analysis and Benchmarking
- d. Data Migration and Integration
- e. Open-Source Integration
- f. Enterprise Data Management
- g. Collaboration Tools
- h. Business Process Reengineering
- i. Test and Evaluation Services
- j. Financial Analysis
- k. Feasibility Studies
- l. Requirements Analysis
- m. System Design Alternative (SDA) Studies
- n. Systems Engineering
- o. Architecture Validation and Verification
- p. Risk Assessment
- q. Acquisition Support

Task Area 7 – Critical Infrastructure Protection and Information Assurance

The objective of this task area is to support the protection of critical infrastructure assurance of agency information, and operations that protect and defend information and information systems by ensuring confidentiality, integrity, availability, accountability, restoration, authentication, nonrepudiation, protection, detection, monitoring and event react capabilities. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Cybersecurity
- b. Critical Infrastructure Asset Identification and Configuration Management Databases
- c. Information Assurance of Critical Infrastructure
- d. Risk Management (Vulnerability Assessment and Threat Identification)
- e. Facility Protection Planning
- f. Information Systems Security
- g. Security Operations Center Development and Operations Management
- h. Application Security
- i. Disaster Recovery
- j. Critical Infrastructure Continuity and Contingency Planning
- k. Incident Response Planning and Execution
- l. Security Certification and Accreditation
- m. Training and Awareness Programs
- n. Exercises and Simulation
- o. Federal Information Security Management Act (FISMA) Implementation Support
- p. Health Insurance Portability and Accountability Act Implementation Support
- q. Cryptographic Support and Services
- r. Records Management
- s. Public Key Infrastructure
- t. Trusted Internet Connections (TIC) Implementation
- u. Security Review and Analysis of Automated Information Systems

- v. Identity Management and Assurance
- w. Intelligent, Automated Data Collection and Analysis
- x. IT Forensics and eDiscovery

Task Area 8 – Digital Government

The objective of this task area is to support government services that are provided through digital, electronic means, creating a transparent interaction between government and citizens (G2C – government-to-citizens), government and business enterprises (G2B – government-to-business enterprises) and government interagency relationships (G2G – government-to-government). A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Data Warehousing and Data Mining
- b. Business Intelligence
- c. Web Development and Support
- d. Electronic Commerce and Electronic Data Interchange
- e. Customer Relationship Management
- f. Knowledge Management (IT-based sharing/storing of agency individuals' knowledge)
- g. IT-enhanced Public Relations
- h. IT Strategic Planning
- i. Records/Document Management
- j. Business-to-Government (B2G) Solutions
- k. Communications Management
- l. Accessibility Services (508 and 504 compliance)
- m. Automated Abstraction, Taxonomies and Ontologies
- n. Deep Web and Federated Searching
- o. Computational Linguistics and Machine-based Translation
- p. Telecommuting Support Services
- q. Interactive Marketing

Task Area 9 – Enterprise Resource Planning

The objective of this task area is to support the implementation of enterprise management applications and systems in the federal environment, which are integrated software applications used to control, monitor and coordinate key business activities across an enterprise. These applications generally fall into the following categories: Financials, Human Resources, Logistics, Manufacturing and Projects. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. ERP Package Implementation
- b. Integration of Business Systems
- c. Business Consulting Services
- d. Business Transformation and Business Process Reengineering
- e. Business Systems Modernization
- f. IT Software Package Selection
- g. ERP IT Infrastructure
- h. ERP Infrastructure Planning, Installation and Tuning
- i. Performance Load Testing
- j. ERP End User Training

Task Area 10 – Software Development

The objective of this task area is to develop customized software applications, database applications and other solutions not available in off-the-shelf modular software applications. A comprehensive, but not limited, sampling of work to be performed under this task area is shown below:

- a. Requirements Analysis, Design, Coding and Testing
- b. Production Deployment
- c. Application Prototyping
- d. Multimedia Software for Patient/Staff Education
- e. Program Evaluation Software
- f. Administrative and General Decision Support Software
- g. Business Intelligence and Analytics
- h. GIS-enhanced Planning and Program Evaluation Software
- i. Web 2.0 Development and Management
- j. Database Development and Management
- k. Clinical Protocol and Quality Assurance Decision Support Software

Appendix C: Examples of IT Services and Solutions

NITAAC GWACs are for Information Technology (IT) services and IT services-based solutions. Ordering Contracting Officers may include ancillary services and equipment on orders if the ancillary support is integral and necessary for the IT services-based solution. Orders may be written in support of an individual IT service as described below or may encompass all components of an IT solution (i.e., infrastructure, applications and management services) in support of an integrated IT services-based outcome.

A non-exhaustive list of examples of the type of work to be performed under the NITAAC GWAC contract is as follows:

Infrastructure and Related Services

Infrastructure serves as the foundation and building blocks of an integrated IT solution. It is the hardware which supports Application Services, and IT Management Services, the software and services which enable that hardware to function; and the hardware, software and services which allow for secure communication and interoperability between all business and application service components. Infrastructure services facilitate the development and maintenance of critical IT infrastructures required to support Federal Government business operations. This section includes the technical framework components that make up integrated IT solutions. One or any combination of these components may be used to deliver IT solutions intended to perform a wide array of functions which allow agencies to deliver services to their customers (or users), whether internal or external, in an efficient and effective manner. Infrastructure may include but is not limited to the following:

Hardware, Software, Licensing, Technical Support and Warranty Services from third party sources, as well as Computer Programming Services, Database Design/Generation, Cabling and Wiring, Computer Hardware Consulting Services, Computer Systems Integration Design Consulting, Hardware, LAN/WAN Design, Network Design and Installation, Network Systems Integration, Systems Integration, Computer Systems Facilities Services, Data Processing Facilities Services, Equipment

Inventory and Maintenance, Operations and Support, Facilities Planning
Hardware/Software Maintenance, Data Warehousing, Storage Area Networks,
Information Assurance and Security, Data Security Administration, Web Security,
Information Center, Video Conferencing, Information Systems, Telecommunications
Networks, Operation and Maintenance of Information Systems and
Telecommunications, Information Systems Planning; Information Systems Engineering,
Requirements Analysis; Systems Analysis and Design; Database Design and
Development; Systems Integration and Installation, Internet System Architecture,
Design and Implementation, Life-Cycle Management Support; Migration/Conversion;
Networking Cable Solutions, LAN/MAN/WAN Solutions and Technological Refreshment
and Enhancements for that Hardware and Software.

Applications and Related Services

Application Services provide support for all applications and collaborative service capabilities as follows but not limited to:

Support for developing and implementing enterprise and departmental level applications. These applications may be “cross-cutting” in nature, with inter-related service processing components extending across/beyond the enterprise, or unique to a particular agency/department’s mission requirements including, but not limited to, Applications Software Programming, Computer Program or Software Development, Developer, Computer Software Support, Software Programming, Software Testing, Applications Programmer, Computer-Aided Design (CAD) Services, Computer- Aided Engineering (CAE) Services, Computer-Aided Manufacturing (CAM) Services, Computer Software Consulting Services, Application Hosting, Application Service Providers, Data Entry Services, Data Processing, Document Imaging, Media Streaming, Scanning Services, Software Installation, Internet Broadcasting, Internet, Video Broadcasting, Web Broadcasting, Web Designer, Web Content, Web Software, Distance Learning, E-Commerce, Internet/Intranet/Web Development, Migration, Systems Applications (LAN/WAN), Videoconferencing, Operations Testing/Evaluations, Software Development and Maintenance; Web Solutions, Artificial Intelligence Applications.

IT Management Services

IT Management Services provide support for operations and IT resource management requirements across the federal government. These services encompass support for all strategic planning, management and control functions integral to IT initiatives as follows but not limited to:

Legacy Interfaces/Data Migration, Software Analysis and Design, Computer Systems Integration Analysis and Design, Configuration Management, Enterprise Resource Planning (ERP), Systems Analysis, PC/LAN Management, Data Security, Computer Operations/Support, End User Support, Help Desk, Network Management, Electronic Data Processing, Web Hosting, Network Operations Computer Disaster Recovery, Contingency Planning, Disaster Preparedness/Recovery, Documentation, Independent Verification & Validation (IV&V), Virus Detection/Recovery, Telecommunications Engineer, Telecommunications Management, Database or Database Management, Information Technology, Hardware and Software Purchase and Maintenance, IT and Systems Integration, Systems Support (Help Desk), IT Training, Program Management Support, Systems Engineering and Technical Assistance (SETA), Outsourcing and Data Center Management, System Design and Prototyping, Project Management, Operations Research, Engineering Services, Database Management and Logistics Services, Network Solutions, Web-based Solutions, System Design and Implementation, Systems Integration and Consulting Services, Modeling and Simulation, Information Security Services, Information Engineering/Business Process Re-engineering; Network Support and Administration and Systems Management and Administration.

Appendix D: Summary of Justification, Approval and Posting Requirements

The following tables summarize requirements for posting, fair opportunity, exceptions to fair opportunity, justifications for not providing fair opportunity, and justification approvals when placing orders under multiple-award contracts.

Posting

Dollar Threshold	Requirement	FAR Citation(s)
Orders exceeding \$25,000 funded in whole or in part by the Recovery Act	Publish pre-award notice “for informational purposes only” in SAM.gov	5.704(a)(2) 16.505(a)(11)(i)
Orders or modifications to orders exceeding \$500,000 funded in whole or in part by the Recovery Act	Publish post award notice in SAM.gov	5.705(a)(1)(iii)&(iv) 16.505(a)(11)(ii)
Orders exceeding the simplified acquisition threshold not providing for fair opportunity to all awardees; except, if disclosure would compromise the national security or create other security risks	Publish post-award notice in SAM.gov within 14 days after placing order* And Post Justification for Exception to Fair Opportunity on SAM.gov and agency Web site (agency Web site may provide link to SAM.gov notice).** Justification must remain posted for a minimum of 30 days.	5.301(a)(2)(ii) 16.505(b)(2)(ii)(D)(1)(i) 16.505(b)(2)(ii)(D)(4) 5.301(d)(3) 16.505(b)(2)(ii)(D)(1)(ii) & (D)(2)

*Orders based on urgent and compelling circumstances may be published within 30 days of award.

**Contracting officers must carefully screen and remove contractor proprietary data before posting.

Fair Opportunity Process

Dollar Threshold	Requirement	FAR Citation(s)
Orders not exceeding micro-purchase threshold	No fair opportunity required. Place order with any awardee that can meet the agency's need	16.505(b)(1)(i)
Orders exceeding the micro-purchase threshold but not exceeding the simplified acquisition threshold	<p>Provide each awardee offering the required supplies or services with a fair opportunity to be considered. The contracting officer need not contact each of the awardees before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order.</p> <p>Document the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making award decision. This documentation need not quantify the tradeoffs that led to the decision.</p>	<p>16.505(b)(1)(i)&(ii)</p> <p>16.505(b)(5)</p>

Dollar Threshold	Requirement	FAR Citation(s)
Orders exceeding the simplified acquisition threshold but not exceeding \$5 million	<p>Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include a description of the supplies or services and the basis for selection. Afford all awardees responding to the notice a fair opportunity to submit an offer.</p> <p>Document the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making the award decision. This documentation need not quantify the tradeoffs that led to the decision.</p>	<p>16.505(b)(1)(iii)</p> <p>16.505(b)(5)</p>

Dollar Threshold	Requirement	FAR Citation(s)
Orders exceeding \$5 million	Provide each awardee offering the required supplies or services with a fair notice of intent to make a purchase. The notice must include: a clear statement of the agency’s requirements; a reasonable response period; the significant factors and sub-factors, including cost or price that the agency expects to consider in evaluating proposals, and their relative importance; and an opportunity for a post-award debriefing.	16.505(b)(1)(iv)
	When award is made on a best value basis, prepare a written statement documenting the basis for award and the relative importance of quality and price or cost factors.	16.505(b)(1)(iv)(D)
	Notify unsuccessful awardees within 3 days after the date of award.	16.505(b)(4)(i) 15.503(b)(1)
	Provide debriefings to unsuccessful awardees. Debriefings must be requested in writing within 3 days after receipt of notification of award.	16.505(b)(4)(ii)&(iii)
	Debriefings should occur within 5 days after receipt of the written request. Summarize debriefings and include in the task or delivery order file.	15.506

Statutory Exceptions to Fair Opportunity Process

Exception	FAR Citation(s)
The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.	16.505(b)(2)(i)(A)
Only one awardee is capable of providing the required supplies or services at the level of quality required because the supplies or services are unique or highly specialized. ¹	16.505(b)(2)(i)(B)
The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order	16.505(b)(2)(i)(C)
It is necessary to place an order to satisfy a minimum guarantee	16.505(b)(2)(i)(D)
For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source IAW section 1331 of Public Law 111-240 (15)	16.505(b)(2)(i)(E)
IAW section 1331 of Public Law 111-240 (15 U.S.C. 644[r]), Contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3).	16.505(b)(2)(i)(F)

¹16.505 Ordering. (a)(4)(i),(ii),(iii)(A-D) Requirements for use of items peculiar to one manufacturer shall be justified and approved using the format(s) and requirements from paragraphs (b)(2)(ii)(A), (B) and (C) of this section, modified to show the brand-name justification.

Justification for An Exception to Fair Opportunity

Dollar Threshold	Requirement	FAR Citation(s)
Orders exceeding the micro-purchase threshold but not exceeding the simplified	Document the basis for using an exception to the fair opportunity process. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance or value).	16.505(b)(2)(ii)(A)

Dollar Threshold	Requirement	FAR Citation(s)
acquisition threshold		
Orders exceeding the simplified acquisition threshold	<p>Prepare a detailed justification to include:</p> <p>Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for an Exception to Fair Opportunity.”</p> <p>Nature and/or description of the action being approved</p> <p>A description of the supplies or services required to meet the agency’s needs (including the estimated value).</p> <p>Identification of the exception to fair opportunity and the supporting rationale, including a demonstration that the proposed contractor’s unique qualifications or the nature of the acquisition requires use of the exception cited. If the logical follow-on exception is used, describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance or value).</p> <p>A determination by the contracting officer that the anticipated cost to the government will be fair and reasonable. Any other facts supporting the justification.</p> <p>A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.</p> <p>The contracting officer’s certification that the justification is accurate and complete to the best of his/her knowledge and belief.</p> <p>Evidence that any supporting data that is the responsibility of technical or requirements</p>	16.505(b)(2)(ii)(B)

Dollar Threshold	Requirement	FAR Citation(s)
	<p>personnel (e.g., verifying the government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which forms a basis for the justification has been certified as complete and accurate by the technical or requirements personnel.</p> <p>A written determination by the approving official that one of the statutory exceptions applies to the order.</p>	

Justification Approvals

Dollar Threshold	Requirement	FAR Citation(s)
Over the micro-purchase threshold but not exceeding the simplified acquisition threshold	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over the simplified acquisition threshold but not exceeding \$650,000	Contracting officer (unless higher approval required by agency procedures)	16.505(b)(2)(ii)(C)(1)
Over \$650,000 but not exceeding \$12.5 million	Order activity competition advocate or authority cited below.	16.505(b)(2)(ii)(C)(2)
Over \$12.5 million but not exceeding \$62.5 million (\$85.5 million for DoD, NASA, and Coast Guard)	Head of ordering procuring activity (or for Armed Forces, a general or flag officer; or for civilians, a GS-15 or above), or authorized cited below	16.505(b)(2)(ii)(C)(3)

Dollar Threshold	Requirement	FAR Citation(s)
Over \$62.5 (over \$85.5) million	Senior procurement executive (not delegable, except by the Under Secretary of Defense for Acquisition, Technology and Logistics)	16.505(b)(2)(ii)(C)(4)

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Appendix E: Two Examples of a Multi-phased Approach

FAR 16.505 (b) offers OCOs the choice to design a multi-phased approach to streamline the selection process and reduce the administrative cost and effort for both Government and Industry. Below are two examples of a multi-phased approach.

Opt In/Opt Out Approach

Phase One

1. Develop a preliminary RFQ or RFP that includes salient characteristics of the specific requirement (e.g., work synopsis, security clearance needs, specialized information, certifications required, deliverables, response requirements, etc.) and discloses the general basis on which selections will be made:
 - a. Instruct contractors to inform the OCO of their affirmative interest in the competition by the date shown in the preliminary RFQ or RFP, or they will not be included in Phase Two (stating that a non-response in the affirmative will constitute an opt-out)
 - b. Establish a response deadline that makes sense for Phase One (a few will typically suffice – NITAAC industry partners have an affirmative duty to vigorously monitor NITAAC fair opportunity channels)
 - c. Transmit the preliminary RFQ/RFP to the entire NITAAC pool to determine their interest in the competition, permitting them to opt-in or opt-out of Phase Two. You must use e-GOS, NITAAC's Electronic Government Ordering System, that affords fair opportunity to all qualified contractors.
2. Maintain a record of the preliminary RFQ/RFP transmittal and responses in the Order file to document use of fair opportunity procedures
3. The OCO should include all NITAAC contractors that have indicated interest (opted in) for further consideration in Phase Two

Phase Two

Please ensure that all NITAAC prime contractors who opted-in during Phase One receive a copy of the full RFQ/RFP in Phase Two. Historically, this process reduces the number of proposals by targeting those industry partners who have researched their current capabilities and availability and provide useful acquisition planning/logistical/milestone information.

White Paper Approach

Phase One

1. The customer must provide the contractor pool with information that details their multi-phased approach process. Evaluation criteria and an SOO/SOW/PWS should also be included. The contractor will be requested to provide a “white paper” response which may include cost or price (e.g., not to exceed/rough order of magnitude) data as well as non-price information. Non-price evaluation criteria should reflect the key factors that will discriminate among the contractor pool (e.g., degree of understanding of the problem/s, realism of the proposed technical approach, innovativeness of conceptual approach, risk factors and past performance). Contractors may also be requested to give an oral presentation.
2. After evaluating the Phase One white paper submissions IAW the established evaluation criteria, the government will document its determination as to which contractors have a reasonable chance for award.
3. The government will notify each Phase One participant of the viability of its approach and whether they have a reasonable chance of award. Contractors who have a reasonable chance for award are encouraged to participate in the next phase (e.g., submitting a written proposal) and contractors who do not have a reasonable chance of award are encouraged to save their resources and not submit a written proposal. However, any offeror who participates in Phase One may choose to continue to participate in Phase Two.

Phase Two

Phase Two participants will receive the final solicitation and submit full technical and cost proposals and/or participate in Orals if applicable. The government will evaluate the proposals and make an award IAW the established evaluation criteria.

Note: You have the authority and flexibility to structure your multi-phased approach as you deem appropriate IAW FAR 16.505(b)(1)(IV)(A)(5). The approaches in this Ordering Guide are examples only and are not meant to be all inclusive.

Appendix F: Additional Guidance for Time and Materials and Labor-Hour Type Contracts

FAR 16.601(f) T&M contracts require OCOs to use one of three provisions in solicitations contemplating the use of T&M or LH type contracts. To determine which provision is appropriate for a given task order, OCOs should answer the following questions:

1. If my requirement meets the FAR definition for a commercial item, which provision do I use?

For commercial items acquisitions use FAR 52.216-31 T&M/LH Proposal Requirements— Commercial Item Acquisition. As the title of the provision implies, FAR 52.216-31 is used for commercial item acquisitions. In this scenario, an offeror must specify separate fixed hourly rates in its offer that includes wages, overhead, general and administrative expenses, and profit for each category of labor to be performed by the offeror, subcontractors, and or divisions, subsidiaries or affiliates of the offeror under a common control.

2. If my requirement doesn't meet the FAR definition for a commercial item and adequate price competition is expected, which provision do I use?

If adequate price competition is expected, use FAR 52.216-29 T&M/LH Proposal Requirements—Non-Commercial Item Acquisition with Adequate Price Competition. As the title of the provision implies, FAR 52.216-29 is used for noncommercial item acquisitions when the OCO anticipates adequate price competition. FAR 15.403-1(c) provides the accepted standards for what constitutes adequate price competition.

In this scenario and pursuant to FAR 52.216-29(c), the offeror must specify fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit using:

- a. Instruct contractors to inform the OCO of their affirmative interest in the competition by the date shown in the preliminary RFQ or RFP, or they will

not be included in Phase Two (stating that a non-response in the affirmative will constitute an opt-out)

- b. Establish a response deadline that makes sense for Phase One (a few will typically suffice – NITAAC industry partners have an affirmative duty to vigorously monitor NITAAC fair opportunity channels)
- c. Transmit the preliminary RFQ/RFP to the entire NITAAC pool to determine their interest in the competition, permitting them to opt-in or opt-out of Phase Two. You must use e-GOS, NITAAC's Electronic Government Ordering System, that affords fair opportunity to all qualified contractors.

Note: If authorized by ordering agency procedures, FAR 16.601(f) permits contracting officers to amend the provision to make mandatory one of the three approaches described above.

Note: For DOD, pursuant to DFARS 252.216-7002, Alternate A, the offeror is required to provide separate loaded hourly labor rates for prime contractor labor, each subcontractor, and/or each division, subsidiary or affiliate. The offeror must specify whether each loaded hourly labor rate applies to the prime contractor, each subcontractor, and/or each division, subsidiary or affiliate.

3. If my requirement doesn't meet the FAR definition for a commercial item and I don't expect adequate price competition, which provision do I use?

Use FAR 52.216-30 T&M/LH Proposal Requirements—Non-Commercial Item Acquisition without Adequate Price Competition. As a reminder, FAR 15.403-1(c) provides the accepted standards for what constitutes adequate price competition. In this scenario, the offeror must specify separate fixed hourly rates in its offer that include wages, overhead, general and administrative expenses, and profit for each category of labor to be performed by the offeror, each subcontractor, and each division, subsidiary or affiliate of the offeror under a common control.