Federal Government Acquisition & Contracting Overview

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Governance

- Competition In Contract Act (CICA)
- FAR – Federal Acquisition Regulations
  - Codifies uniform policies for acquisition of supplies/services for executive agencies
  - 52 parts – plus numerous clauses/provisions

- Agency FAR Supplement (i.e., NFS, DFARS, etc.)
  - Supplements FAR requirements to reflect unique NASA/Agency policy. Several agencies have their own internal supplement.
The Players – Roles & Responsibilities

- **Program/Requirements Manager (Technical Leads):**
  - Identifies the needs for supplies/service required to support their programs
  - Defines all technical, schedule and cost requirements:
    - Defines technical requirements and standards
    - Develops SOW/PWS and all related technical documentation
    - Delivery schedule
    - Develops independent government estimate (IGE)

- **Contracting Officer (CO)/Contract Specialist (CS):**
  - Only person (CO) legally authorized to bind the government
  - Ensures that contracts are authorized by law
  - Ensures legal and technical sufficiency
  - Safeguards government interest
  - Personally signs all contracts, modifications, cure notices and corrective action
Other Players

- Legal Counsel (Attorneys)
- Budget/Financial Analysts
- Contracting Officer Representative (COR)
- Subject Matter Experts (SMEs)
- Cost/Price Analysts
- Auditors
Fundamentals of Acquisition: Define Requirement

- Define Requirement
- RFI or One-on-One
- Stakeholders
- Budget
- Contract Management
- Contract Award
- Evaluation Criteria
- Pre-Proposal Instructions
- SSA
- SEB
- Socio-Economic Needs
- NAICS
- Agency Needs
- Lifecycle: One Time or Continuous
- Contract Type
- Market Research
- Team
- $ Other Gov’t. Contracts
- Industry
- $ Other Gov’t. Contracts
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Contract Families

Cost

Fixed Price
Contract Types

- **Fixed Price (FFP, FPIF)**
  - Contract requirements (supplies/services) are very well defined, sufficient to accurately determine fair & reasonable price.
  - Majority of performance risk assumed by contractor.

- **Cost Reimbursement (CR, CPFF, CPAF, CPIF)**
  - Requirements not well defined; unable to accurately determine final price; contractor reimbursed as costs are incurred, usually up to some limit.
  - Majority of performance risk assumed by government.

- **Indefinite-Delivery Indefinite-Quantity (IDIQ)**
  - Lack of firm requirements (services/supply) and lack of firm delivery schedule over a longer (usually multi-year) planning horizon.
  - Permit flexibility in defining, ordering and receiving supplies/services; minimum obligation requirements usually apply.

- **Indefinite-Delivery Definite Quantity**
  - Firm requirements (supplies/services) are known, but lack of firm delivery schedule over a longer (usually multi-year) planning horizon; minimum obligation requirements usually apply.

- **Requirement Contracts**
  - Very general/high level requirements for supplies and services may be needed and/or known, but cannot determine exactly how much or when they will be needed.
  - Promises all contract requirements to the contracted vendor.
  - Do not require minimum obligation by the government.
Types of Solicitations

- **Sole Source**
  - Only one source available to provide goods or services
  - Typically involves a unique type of good or service (proprietary) for which there exists no commercially available alternative, or for which development of an alternative sources would not be realistic or viable (cost/schedule/technical)
  - Requires justification, review and approval – varies depending on complexity and dollar value
  - Must be publicly posted for public scrutiny

- **Request for Proposal (RFP)**
  - Used when technical, schedule, and/or cost factors play a role in decision making
  - Contract award based on best value – often involves tradeoffs between technical, schedule and cost considerations
  - Most often used for wide variety of service contracts (including A&E/construction)

- **Request for Quote (RFQ)**
  - Used for smaller, less complex purchases – commercially available products/equipment/supplies and services (typically under $100k)
  - Contract award usually based on lowest price
  - Most often used for equipment and supplies

- **Invitation for Bid (IFB)**
  - Used when requirements are extremely well-defined (little/no ambiguity)
  - Contract award based on lowest price only
  - Most often used for construction contracts and some supply purchases
Competitive Procurement Process

Requirements Development / PR Package

Procurement Development Team
- Contracting Officer
- Contracting Specialist
- Contracting Officer Rep
- Customer/Technical Team
- Resource Analyst

Contract Administration

Contract Award

Evaluations

Draft RFP

Final RFP

Acq Plan / PSM

Tech User/COR

Property HQ Security

Industry Assistance Office

Assoc. Chief

Policy HQ Legal

Proc. Manager

Assoc. Chief

Source Evaluation Board (SEB)

Legal

Proc. Manager

Center Director

SSA

SEB Manager

HQ

Tech User/COR

Contract Specialist

CO

Tech User/COR
Acquisition/Contracting Process

- Fundamentals of Acquisition Process
  - Define Requirement
  - Prepare Statement of Objectives (SOO), Statement of Work (SOW) or Performance-based Work Statement (PWS)
  - Obtain funding
  - Perform market research
  - Determine acquisition strategy
  - Procurement/Contracting Process (negotiations/award)
  - Performance
  - Closeout
Acquisition/Contracting Process

- Pre-Award Phase (Contract Formation)
  - Pre-Solicitation Conference/Industry or Vendor Days/Pre-Proposal Conference
  - Release Draft RFP (optional)
  - Release RFP
  - Submit proposals
  - Evaluate bids/proposals/quotes
  - Selection(s)
  - Award

- Post-Award Phase (Contract Administration)
  - Performance

- Closeout
  - 6 months after completion to 5 years (or more)
Takeaways

- **It is a business decision to enter into the Federal Government Contracting Process!**
  - Ensure you have the right “expertise” on the team.
- **Know the business**
  - Check FedBizOpps *everyday*!
  - Be responsive if contacted by a federal agency!
  - Ensure you have the appropriate systems to perform the work.
- **Get out there!**
  - Go to Pre-Proposal Conferences/Vendor Days (not only meet industry, but meet the Agency players).
  - Don’t wait for industry or Government agency to come to you
- **Invest in Training and Continuing Education**
  - Train the business team; get certified!
  - Maintain certifications through continuing education courses.
  - Take advantage of Webinars
Preparation: How do I get in the game?

- Prime Role
- Subcontractor (i.e., Mentor-Protégé Program)
- Register in System for Award Management:
  - https://www.sam.gov/
  - DUNS Code
  - CAGE Code
  - NAICS Code
- Assess financial systems (accountability)
- Internal controls (i.e., documented P&Ps)
Questions?