



U.S. General Services Administration

Federal Acquisition Service

GSA Schedules vs. Open Market

Tommy Benton, Chief MAS Policy (acting)

This course is sponsored by the
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in association with the Federal Acquisition Institute



Learning Objectives

Upon completion of this course, you should be able to:

- Describe the MAS program
- Describe FAR Subpart 8.4, Part 13 and Part 15 procedures and the role of each in acquisition strategy and planning
- Recognize the similarities and differences among FAR Subpart 8.4, Part 13 and Part 15 procedures
- Identify the advantages and restrictions associated with using FAR Subpart 8.4, Part 13 and Part 15





Topic 1:
Introduction to the MAS Program

What is MAS all about?



What Is a Multiple Award Schedule?

- ❑ Governmentwide contract vehicle for **commercial** products, services, and solutions
- ❑ Also known as “Federal Supply Schedule (FSS),” “GSA Schedules” or “MAS”
- ❑ Standing solicitations posted on FedBizOpps
- ❑ Awarded using FAR Part 12 procedures (Commercial Items)



MAS Contract Characteristics

- ❑ Multiple Award IDIQ (5 year award, three 5 year options)
- ❑ Fixed Price Economic Price Adjustment (EPA)
- ❑ Fair and reasonable pricing
 - Price reductions can be requested and may be applied at the order level.
- ❑ Performance requirements established at the order level to meet the customer's specific needs

The Federal Acquisition Regulation (FAR)

FAR	Provides	Applicability
Subpart 8.4	Ordering procedures for GSA Schedules	Federal Government Ordering Activities
Part 12	Acquisition of Commercial Items	GSA awards Schedule contracts under Part 12
Subpart 6.102(d)(3)	Defines orders placed against Schedules as a competitive procedure	All



FAR Applicability to Schedules

FAR	Title	Applicable
Part 13	Simplified Acquisition Procedures	NO (except allows for MAS BPAs)
Part 14	Sealed Bidding	NO
Part 15	Contracting by Negotiation	NO
Part 19	Small Business Programs	NO (except Bundling)
Part 36	Construction and A&E	NO

FAR Applicability to Schedules, Cont.

FAR	Title	Applicable
Part 7	Acquisition Planning	YES
Part 10	Market Research	YES
Subpart 17.5	Interagency Acquisitions	YES
Subpart 33.1	Protests	YES
Subpart 37.6	Performance Based Acquisition	YES
Part 39	Acquisition of Information Technology	YES



Topic 2: *Benefits of the MAS Program*

What can MAS do for your organization?



FAR Subpart 8.4 Simplifies the Acquisition Process

In contrast to FAR Part 15 (Negotiated Acquisitions), Schedule orders do not require:

- Conducting a formal “negotiated procurement”
- Issuing a “solicitation” for thirty days (or any other pre-determined time)
- Conducting a “competition” by seeking contractors outside the Schedules program
- Synopsizing the requirement on FedBizOpps, unless it’s a limited sources acquisition over the SAT
- Conducting “discussions”
- Conducting formal “debriefings”
- Using FAR Subpart 15.3 concepts and procedures



GSA Schedules Conform with Competitive Contracting

Schedule users shall not:

- ⊘ Seek further competition outside of the MAS program
- ⊘ Synopsise the requirement

FAR 8.404(a)

Ordering Procedures – FAR Subpart 8.405-1

When ordering supplies or fixed-price services w/out SOW



Exceeds SAT

- Develop RFQ
- Receive ≥ 3 quotes - use of eBuy meets fair notice
- Limited Sources Justification if applicable
- Seek price reduction
- May not place orders orally
- Best value determination

Micro – SAT

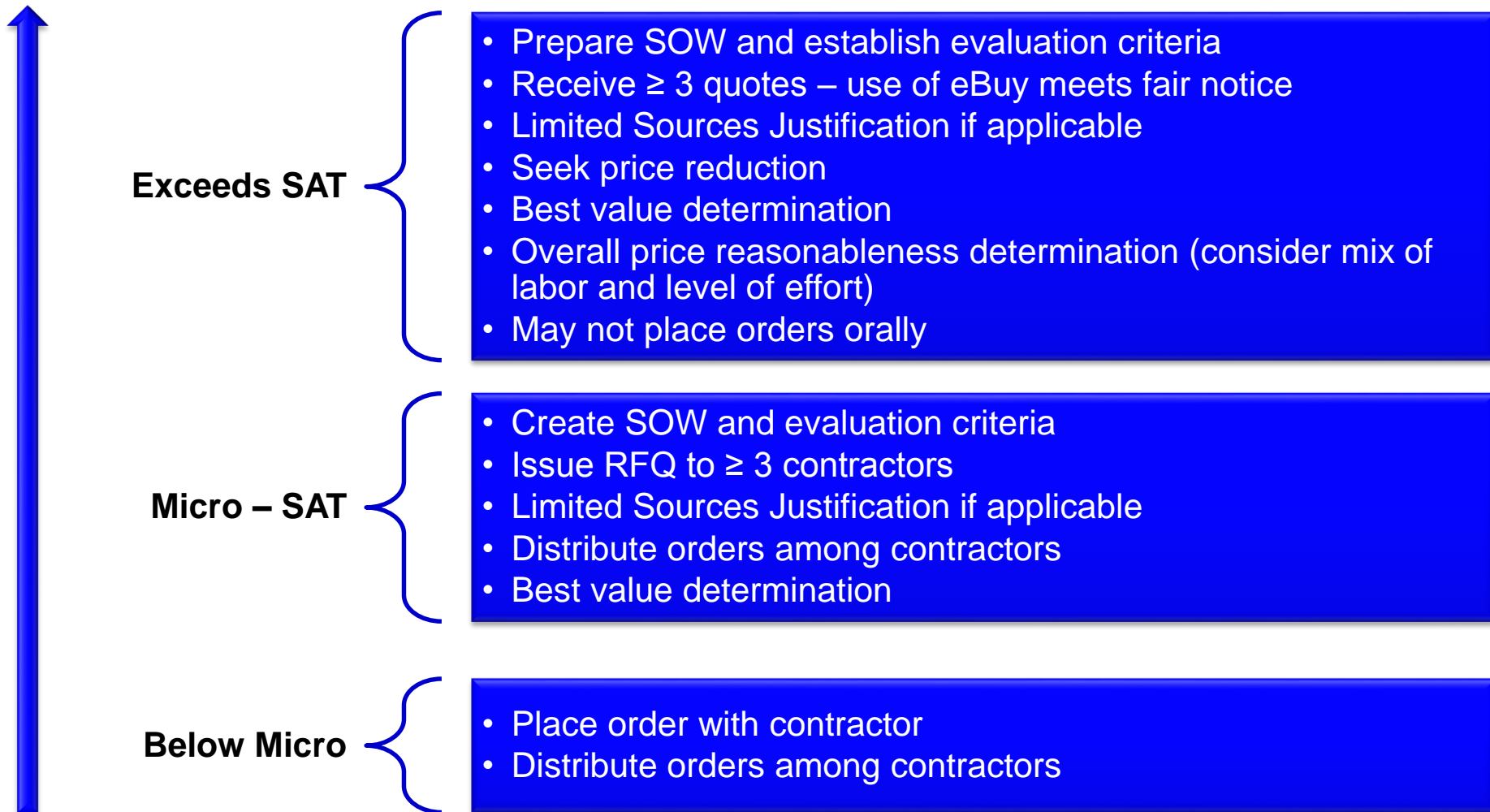
- Survey ≥ 3 contractors
- Limited Sources Justification if applicable
- Determine if a price reduction should be sought
- Best value determination

Below Micro

- Place order with contractor
- Distribute orders among contractors

Ordering Procedures – FAR Subpart 8.405-2

When ordering services requiring an SOW





Topic 3:
*Types of Schedules and
Characteristics*

What can I buy?

Did you know...

- ❑ GSA offers over 20 million supplies and services
- ❑ 39 open and standing solicitations published on FedBizOpps, including 9 managed by the Department of Veteran's Affairs (VA)
- ❑ Over 19,000 Schedule contracts
 - 80% are small businesses
 - Orders and BPAs may be set aside for small businesses
- ❑ \$50 billion total annual spend (including VA)

What Services Are Available on Schedule?

- Environmental Services
- Professional Engineering Services
- Logistics Services
- Language Services
- Management and Consulting Services (including Training)
- Temporary Administrative and Professional Services
- Information Technology Services
- Advertising and Marketing Services
- Financial and Business Solutions
- Security Solutions
- Facilities Maintenance
- Disaster Relief

Note: For a comprehensive list of services please visit [GSA eLibrary](#).



What Supplies Are Available on Schedule?

- Office Supplies and Equipment
- Tools and Hardware
- Building and Industrial Materials
- Furniture
- Scientific Equipment
- Information Technology Products
- Vehicles and Support Equipment
- Appliances and Food Services
- Law Enforcement, Fire, and Security Products

Note: For a comprehensive list of supplies please visit [GSA eLibrary](#).





Topic 4:
*Overview of FAR Subpart 8.4,
Part 13 and Part 15*

**What do FAR Subpart 8.4, FAR
Part 13, and FAR Part 15 cover?**



An Overview of the Parts

FAR Subpart 8.4, Part 13, and Part 15 provide alternative means for getting your requirements on contract:

FAR Subpart 8.4	FAR Part 13	FAR Part 15
Federal Supply Schedules	Simplified Acquisition Procedures	Contracting by Negotiation
Procedures for placing orders against Multiple Award Schedules awarded by GSA and the VA	Procedures for open market acquisitions not exceeding the Simplified Acquisition Threshold (\$150,000) (\$6.5 Million through Jan 1, 2015 for commercial items—see 13.5)	Procedures for open market acquisitions exceeding the Simplified Acquisition Threshold

Construction and Architect-Engineer services must be procured IAW FAR Part 36.



What Is FAR Subpart 8.4?

FAR Subpart 8.4 addresses ordering from Multiple Award Schedules (MAS), specifically:

- Description of the contracts
- Delivery orders vs. task orders
- Ordering procedures
- Blanket Purchase Agreements (BPAs) for repetitive buys
 - Establishing BPAs
 - Ordering under BPAs
- Limited Sources Justifications



Fair Opportunity

- ❑ Fair Opportunity is a basic element of FAR Subpart 8.4.
 - Required when the value of a procurement exceeds the SAT

- ❑ Fair Opportunity requires:
 - RFQ posted on eBuy to afford all Schedule contractors under the appropriate Special Item Number an opportunity to submit a quote

- OR**

- Provide RFQ to as many Schedule contractors as practicable to reasonably ensure at least three quotes will be received



What Is FAR Part 13?

- ❑ Simplified acquisition procedures used for acquisitions below the SAT
- ❑ Solicitation may be an oral or written RFQ.
- ❑ Results in issuance of a Purchase Order, Government Purchase Card (GPC) transaction or Blanket Purchase Agreement (BPA)
- ❑ Procedures are simple / straightforward.
 - Generally awarded lowest price – may use tradeoffs
- ❑ Keeps contract terms and conditions to a minimum.
- ❑ Items and services to be acquired are “open market”.
 - i.e. not available from required sources of supply, such as MAS contracts, outlined in FAR Subpart 8.002
- ❑ Reserved for small business (under the SAT)

What Is FAR Part 15?

- ❑ Negotiated procurements
 - Solicitation is a Request for Proposal (RFP)
 - Results in stand-alone contracts, either single or multiple awards
 - Used when sealed bidding is not suitable
- ❑ Contains rules for source selection, including cost/technical tradeoffs
- ❑ Pricing rules and procedures





Which Method Should I Use?

FAR Subpart 8.4	FAR Part 13	FAR Part 15
Requirement is for commercial products and services being solicited through the MAS Program	Requirement is open market under the SAT	Requirement is open market over the SAT
Sufficient numbers and quality of sources	Requirements for specialized goods and/or services that cannot be filled from MAS offerings (or other pre-established contracts)	Requirements for specialized goods and/or services that cannot be filled from MAS offerings (or other pre-established contracts)
Terms and conditions and allowable order types meet agency needs	Reserved for small business set-asides	When a cost-type or incentive contract is necessary








Topic 5:
*Comparing FAR Subpart 8.4, Part
13 and Part 15*










**How does FAR Subpart 8.4
compare to
FAR Parts 13 and 15?**




























Acquisition Planning - FAR Part 7

- ❑ Acquisition planning is required, regardless of chosen strategy, over the SAT:
 - Planning required for all acquisitions, but under FAR Part 13, formal planning requirements are limited to economic purchase quantities (FAR Subpart 7.202)
 - Written planning and coordination required based on dollar amount, contract type and complexity, and competition strategy (follow agency procedures)
- ❑ Market research will drive planning decisions; acquisition plans capture this information.
- ❑ Performance-based preference for services

Procedure	Subpart 8.4	Part 13	Part 15
May compete on LPTA or trade-off			
Pre-competed Schedules with fair and reasonable pricing			
“Fair Opportunity” required; Limited Source Justification (LSJ) otherwise, if over the SAT		Competition may be limited if urgent, exclusive license agreement, brand name, or industrial mobilization. CO must prepare a memo for the file. (See FAR Part 6)	Full and open competition; Justification for Other than Full and Open Competition (JOFOC) or (J&A) (See FAR Part 6)
Commercial item products and services	Yes. Commercial only.	Yes. In addition, Construction projects in excess of \$2000 require a written solicitation	Yes, as well as all other non-commercial supplies and services

Procedure	FAR Subpart 8.4	FAR Part 13	FAR Part 15
Prepare a solicitation	Request for Quote (RFQ) (No minimum notice requirements – eBuy requires 48 hr min)	RFQ when over \$25,000 - FedBizOpps notice required	Request for Proposal (RFP) with all required T&Cs (30 day notice)
May require consideration of factors other than price/costs – identify factors		May utilize factors other than price, but typically is “low price technically acceptable”	
Prepare source selection plan	May be used, but not required	May be used	
Establish evaluation criteria			
Best value determination			
Solicit sources	If over SAT, solicit sufficient sources to anticipate at least 3 responses or use eBuy; no synopsis in FedBizOpps	CO must promote competition and attempt to solicit at least 3 sources when over the micro purchase threshold	Synopsisize in FedBizOpps and provide to all interested firms; over \$25K IAW FAR Part 5

Procedure	FAR Subpart 8.4	FAR Part 13	FAR Part 15
Evaluate consistent with solicitation			
Small Business set-asides	Discretionary	Reserved for small business under the SAT	Available – “rule-of-two”
Technical evaluation	May utilize LPTA or tradeoff for more complex purchases	May utilize LPTA or tradeoff for more complex purchases	May utilize LPTA or tradeoff for more complex purchases
Evaluation and source selection documentation			
Ensure vendor’s quote complies with all special terms and conditions of RFQ	Yes, but may not conflict with Schedule contract terms and conditions		
Treat all offerors fairly			
Debriefings available upon request	No – may provide feedback		

Procedure	FAR Subpart 8.4	FAR Part 13	FAR Part 15
Monitoring of performance - commercial items (usually simple inspection & acceptance)			
Monitoring of performance – complex services even though commercial	Yes, appoint Contracting Officer’s Representative (COR) especially for higher dollar value and long duration	Usually not required due to the limited dollar value under SAT and short duration	Appoint COR; may require use of monitoring tools/techniques including PM, EVM, etc.
Delivery and invoicing in accordance with contractual agreement			
Application of the Prompt Payment Act			
Order close-out			



Major Differences – FAR Subpart 8.4 vs. Part 13

There are several similarities between FAR Subpart 8.4 and Part 13.

The major differences are in the way you:

- ❑ Plan the acquisition
 - Set-asides (discretionary vs. mandatory)
- ❑ Develop and issue an RFQ, including dollar thresholds. FAR Part 13 does not allow for BPAs to exceed the SAT. (See FAR Subpart 13.5)
- ❑ Evaluate a quotation under FAR Part 13
- ❑ Acquire non-commercial items



Major Differences – FAR Subpart 8.4 vs. Part 15

There are several similarities between FAR Subpart 8.4 and Part 15.

The major differences are in the way you:

- Publicize requirements
- Compete requirements (FedBizOpps vs. eBuy)
- Document the file
 - Subcontracting Plans
 - Representations and Certifications
 - Determination of Responsibility
- Evaluate and award the contract

Key Points on Solicitations

FAR Subpart 8.4 (above the SAT)	FAR Part 15
Issue a Request for Quotations (RFQ) – give vendors appropriate time to respond	Issue a Request for Proposals (RFP) – offerors have 30 days (or more) to submit a proposal
May seek clarifications and have communications with Schedule contractors	Discussions allowed; may establish competitive range
Evaluate in accordance with RFQ	Evaluate in accordance with RFP
Request a price reduction off Schedule price	Negotiate cost or price
FAR Part 19 does not apply; discretionary set-asides allowed under 8.405-5	“Rule of two” requires a set-aside per FAR Subpart 19.502-2(b)
Agencies may consider socioeconomic status as an evaluation factor	All small business programs options are available for use
No subcontracting plan required	Small business subcontracting plan is required for large business If over \$650K



Key Points on Evaluation and Award

FAR Subpart 8.4	FAR Part 15
Contractor Teaming Arrangements (CTAs) allowed (Not IAW FAR Subpart 9.6)	Joint Ventures allowed
Simplified evaluation – Evaluation Team	Formal SSEB
Award a task or delivery order	Award one or more stand-alone contracts
Terms and conditions of the Schedule contract apply	Terms and conditions must be included in the contract
Feedback	Debriefs



Topic 6:
*Advantages and Restrictions of
Each Approach*

**When should I use/avoid
using each?**



Advantages of the MAS Program (FAR Subpart 8.4)

- ❑ Saves time
- ❑ Streamlines the source selection process
- ❑ Provides flexible purchase options: orders and BPAs
- ❑ Ordering activity receives socioeconomic credit



Advantage![®]

- Search
- Review
- Place Order
- View history

www.gsaadvantage.gov

GSA Advantage! - an online shopping service through which ordering activities may place orders against the Schedules using the Governmentwide Purchase Card.



- Post Requirements
- Issue RFI/RFQ
- Notification of Award

www.ebuy.gsa.gov

eBuy - An online RFQ system that allows ordering activities to post requirements, obtain quotes, and issue orders.



eLibrary

- Schedules listings
- Descriptions
- Clauses
- Contractor details
- EPLS status

www.gsaelibrary.gsa.gov

eLibrary - The official online source for complete GSA and VA Schedules information – a great market research tool.



FAR Part 13 Advantages

- ❑ Combined solicitation/synopsis for commercial items
- ❑ Fast acquisition of products and/or services not available on a Schedule
- ❑ Orders made through BPAs
- ❑ Prompt method of evaluation



FAR Part 15 Advantages

- Flexibility to negotiate contract type
- Flexibility to negotiate terms and conditions
- Procedures to establish competitive range



FAR Subpart 8.4 Restrictions

- Restrictions to Contract Types
- Restrictions to Terms and Conditions
- Restrictions to Modifications to Products/Services
- Restrictions to Mixing Approaches



FAR Part 13 Restrictions

- ❑ BPA orders cannot exceed the SAT.
- ❑ There is no binding contract until contractor accepts the order.



FAR Part 15 Restrictions

- Time-consuming
- Resource-intensive
- More prone to protests



Lesson Summary

You should now be able to:

- ❑ Describe the MAS program
- ❑ Describe FAR Subpart 8.4, Part 13 and Part 15 procedures and the role of each in acquisition strategy and planning
- ❑ Recognize the similarities and differences among FAR Subpart 8.4, Part 13 and Part 15 procedures
- ❑ Identify the advantages and restrictions associated with using FAR Subpart 8.4, Part 13 and Part 15

Web Resources

- MAS Training Student Guides www.gsa.gov/mastrainingstudentguides
- MAS Desk Reference www.gsa.gov/masdeskreference
- Multiple Award Schedules www.gsa.gov/schedules
- eLibrary www.gsaelibrary.gsa.gov
- GSA *Advantage!* www.gsaadvantage.gov
- eBuy www.ebuy.gsa.gov
- MAS News www.gsa.gov/masnews
- Federal Acquisition Regulation (FAR) www.acquisition.gov/far



Webinars and Online Training

- Monthly Webinars sponsored by the MAS Program Office <http://www.gsa.gov/masnews>
- Training Videos - <http://www.gsa.gov/portal/content/210517>
- Continuous Learning Modules
 - Federal Acquisition Institute
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<http://icatalog.dau.mil/> Search for continuous learning modules with FAC prefix

