

CHANGE REQUEST COVER SHEET

Change Request Number: 09-07

Date Received: 10/7/2008

Title: Update of Planning Language in T3.2.1.3

Name: Jeffrey Baker

Phone: 202-493-5723

Policy OR Guidance: Guidance

Section/Text Location Affected: AMS Procurement Guidance T3.2.1.3

Summary of Change: Update of planning language in AMS Procurement Guidance T3.2.1.3

Reason for Change: As some terminology has changed towards acquisition planning, T3.2.1.3 is being revised to account for these changes.

Development, Review, and/or Concurrence: AJA-431, AJA-43, AJA-45

Target Audience: FAA Acquisition Workforce

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76 [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

Section 3 : Responsibilities [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

Section 7 : Competition Procedures [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

T3.2.1.3 - Implementing OMB Circular No. A-76 (Revision 2, September 2003)

Old Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76 (Revision 2, September 2003) New Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76 Red Line Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76 ~~(Revision 2, September 2003)~~

Section 3 : Responsibilities

Old Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

Section 3 : Responsibilities

a. *Service Director of the organization responsible for conducting A-76 competitions:*

Appoints an acquisition team to lead the competition. An acquisition team is a cross-functional, empowered team given an operating budget and resources necessary to acquire specific services identified as commercial in nature by a Federal Activities Inventory Reform (FAIR) Act inventory.

b. *Acquisition Team*

(1) Develops an Acquisition Strategy Paper and Integrated Program Plan, both tailored as necessary

(2) Develops public announcements, evaluation criteria and plans, screening information requests, evaluation reports, and debriefs potential service providers.

c. Joint Resources Council (JRC):

(1) Prior to issuance of the official start date (public announcement):

- (a) Baselines the cost of as-is performance;
- (b) Approves the acquisition strategy;
- (c) Revalidates the need for the function identified in the functional scoping study.

(2) Prior to issuance of the final screening information request (SIR):

- (a) Establishes an activity cost baseline (independent government cost estimate);
- (b) Approves the Acquisition Strategy Paper, Integrated Program Plan, and Risk Management Plan;
- (c) Approves the Performance Work Statement (PWS) and Quality Assurance Surveillance Plan (QASP).

(3) Prior to Source Selection decision:

- (a) Approves the final cost baseline;
- (b) Approves the recommended source selection decision.

New Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

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Appoints an acquisition team to lead the competition. An acquisition team is a cross-functional, empowered team given an operating budget and resources necessary to acquire specific services identified as commercial in nature by a Federal Activities Inventory Reform (FAIR) Act inventory.

b. Acquisition Team

(1) Develops an Implementation Strategy and Planning (ISP) document, tailored as necessary.

(2) Develops public announcements, evaluation criteria and plans, screening information requests, evaluation reports, and debriefs potential service providers.

c. Joint Resources Council (JRC):

(1) Prior to issuance of the official start date (public announcement):

(a) Baselines the cost of as-is performance;

(b) Approves the acquisition strategy;

(c) Revalidates the need for the function identified in the functional scoping study.

(2) Prior to issuance of the final screening information request (SIR):

(a) Establishes an activity cost baseline (independent government cost estimate);

(b) Approves the ISP and Risk Management Plan;

(c) Approves the Performance Work Statement (PWS) and Quality Assurance Surveillance Plan (QASP).

(3) Prior to Source Selection decision:

(a) Approves the final cost baseline;

(b) Approves the recommended source selection decision.

Red Line Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

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b. Acquisition Team

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- (1) Develops an ~~Acquisition~~ **Implementation** Strategy Paper and ~~Integrated Planning Program (ISP) Plan~~ **document**, ~~both~~ tailored as necessary.
- (2) Develops public announcements, evaluation criteria and plans, screening information requests, evaluation reports, and debriefs potential service providers.

c. *Joint Resources Council (JRC):*

- (1) Prior to issuance of the official start date (public announcement):
 - (a) Baselines the cost of as-is performance;
 - (b) Approves the acquisition strategy;
 - (c) Revalidates the need for the function identified in the functional scoping study.
- (2) Prior to issuance of the final screening information request (SIR):
 - (a) Establishes an activity cost baseline (independent government cost estimate);
 - (b) Approves the ~~Acquisition Strategy Paper, Integrated Program Plan, **ISP**~~ and Risk Management Plan;
 - (c) Approves the Performance Work Statement (PWS) and Quality Assurance Surveillance Plan (QASP).
- (3) Prior to Source Selection decision:
 - (a) Approves the final cost baseline;
 - (b) Approves the recommended source selection decision.

Section 7 : Competition Procedures

Old Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

Guidance for Implementing for OMB Circular No. A-76

Section 7 : Competition Procedures

a. *Stakeholder Involvement.* A overarching goal is user and/or customer satisfaction along with achievement of planned value and performance levels. This requires the acquisition team to work with key stakeholders, including affected employees and associated collective bargaining units, to ensure that all issues necessary for success are identified and resolved.

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b. *Notice of OMB Waivers.* Any specific deviations from the Circular that require a waiver from the OMB will be described in the SIR and public announcement.

c. *AMS Planning Documents.* The detailed strategy for the overall program is defined in an Acquisition Strategy Paper. An Integrated Program Plan is prepared to describe program actions and activities. Both documents, appropriately tailored, are developed prior to release of the final SIR and are approved by the JRC.

d. *Availability of Data.* Historical data and other information available to the ATO or the MEO Team are made available by the Contracting Officer (CO) to all prospective providers. However, information related to the performance or productivity of an incumbent MEO is not released.

e. *Source Selection.*

(1) An Acquisition Strategy Paper, appropriately tailored, describes the specific procurement approach to be used.

(2) The Source Selection Authority (SSA) in the Circular is synonymous with the FAA's Source Selection Official (SSO).

(3) Use of AMS clauses "Notice of Cost Comparison" and "Right of First Refusal of Employment" is mandatory. The public announcement also states that award to a private potential service provider is contingent on results of the cost comparison.

(4) Cost and pricing data is required from all potential service providers in accordance with the Circular. Common costs will be identified in the SIR.

(5) The SIR includes a requirement for potential service providers to submit a quality control plan.

(6) *Special Considerations*

(a) Private sector offers and agency tenders are not evaluated separately. The CO, SSO, and evaluation team ensure that all potential service providers are treated fairly.

(b) Deficiencies in an offer or tender are handled by the CO in accordance with the provisions of Attachment B of the Circular.

(c) To the maximum extent possible, Government property is made available for use by service providers. The acceptance and use of such property, however, is not mandatory.

(7) Within three days after contract award, the CO provides written notice to each potential service provider remaining in the competition, but not selected for award. This notice includes:

- (a) The number of potential service providers solicited;
- (b) The number of proposal received;
- (c) The name and address of each potential service provider receiving an award;
- (d) The items, quantities, and any stated unit prices of each award (The total contract price may be furnished if it is impractical at this time to provide unit prices but the unit prices must be made available upon request.);
- (e) In general terms, the reasons the potential service provider's proposal was not accepted, unless the price information reveals the reason. In no event shall a potential service provider's cost breakdown, profit, overhead rates, trade secrets, manufacturing process or techniques, or other confidential business information be disclosed to any other potential service provider.

f. *Period of Performance.*

(1) Contracts awarded under the Circular are for a minimum of three years, excluding the phase-in period. OMB approval is required for performance periods exceeding five years, excluding the phase-in period. Performance periods for the agency tender and for private sector potential service providers will be identical.

(2) Potential service providers, including the MEO, propose a phase-in plan to replace the incumbent service provider. The plan, intended to minimize disruption and start-up requirements, considers recruiting, hiring, training, security limitations, and other special considerations. The phase-in period is considered the first performance period of a new contract.

g. *Contests.* The FAA will follow the FAA Dispute Resolution process in total, which supercedes the provisions of Section B, Part F, of the Circular. The Office of Dispute Resolution for Acquisition (ODRA) is available to assist all parties of an A-76 acquisition, including the MEO, when objections arise concerning the competition or source selection decision.

h. *No Satisfactory Response.* If no satisfactory offer or tender is received in response to an A-76 solicitation, the CO determines the reasons for non-responsiveness and proposes a course of action to the Competitive Sourcing Official (CSO). The CSO then takes action in accordance with the provisions of Attachment B to the Circular.

i. *New Technology and Operational Processes.* There is no required testing of existing services when they become the responsibility of a new service provider unless new services or technologies are introduced. The purpose of test and evaluation remains the mitigation of potential operational risks and the verification of operational readiness for the In-Service Decision. The Acquisition Team determines the type of testing, if required, prior to transition to a new service provider. An In-Service Decision is not required to deliver a set of services using existing technology or processes. The In-Service Decision is a key program milestone if new technology or service concepts are introduced as a result of the competition or during the service delivery timeframe.

j. *Lessons Learned.* The office responsible for conducting the acquisition maintains a data base of lessons learned from each competition to ensure a consistent competition process and development of best practices.

k. *Competitive Sourcing Official (CSO).* The CSO is responsible for the implementation of the Circular within the FAA. Specific duties of the CSO are spelled out in the Circular.

New Content: Procurement Guidance:

T3.2.1.3 - Implementing OMB Circular No. A-76

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a. *Stakeholder Involvement.* A overarching goal is user and/or customer satisfaction along with achievement of planned value and performance levels. This requires the acquisition team to work with key stakeholders, including affected employees and associated collective bargaining units, to ensure that all issues necessary for success are identified and resolved.

b. *Notice of OMB Waivers.* Any specific deviations from the Circular that require a waiver from the OMB will be described in the SIR and public announcement.

c. *AMS Planning Documents.* The detailed strategy for the overall program is defined in an Implementation Strategy and Planning (ISP) document. An ISP is:

(1) Prepared to describe program actions and activities;

(2) Developed prior to release of the final SIR; and

(3) Approved by the JRC.

d. *Availability of Data.* Historical data and other information available to the ATO or the MEO Team are made available by the Contracting Officer (CO) to all prospective providers. However, information related to the performance or productivity of an incumbent MEO is not released.

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