

CHANGE REQUEST COVER SHEET

Change Request Number: 09-35

Date Received: 2/5/2009

Title: Support Services Approval

Name: Eugene Scott

Phone: 202-493-4639

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.8.2(A)(5); T3.2.1(A)(9); T3.2.2.4(A)(3)

Summary of Change: To eliminate the requirement for Deputy Administrator approval of support services contracts in excess of \$1 million where fewer than three quotes/bids are received. Procurement Guidance section T3.8.2(A)(5) Required Approval of Support Services is deleted. In Procurement Guidance section T3.2.2.4(A) (3) Award of Single Source the reference to Deputy Administrator approval is deleted from subparagraph (a). In procurement Guidance section T3.2.1(A)(9) PR Package Clearances, Justifications and Other Documentation, the reference to Deputy Administrator approval of support services is deleted. In addition, the Form "Justification For Single Source or Limited Competition Support Services Contract Award" is deleted from the Procurement Toolbox Procurement Forms and the following checklists are revised to delete reference to Deputy Administrator approval of support services contracts in excess of \$1 million: (i) Checklist - Blanket Purchase Agreement File, (ii) Checklist - Contract Organization and File Content and (iii) Checklist - Contract Organization and File Content - Modifications.

Reason for Change: To make the review and approval process for support services contracts consistent with the review and approval process of other supplies and services contracts.

Development, Review, and/or Concurrence: Acquisition Policy

Target Audience: FAA Contracting Officers and Specialists and customer program offices.

Potential Links within FAST for the Change: delete this link and attachment: <http://fast.faa.gov/docs/forms/06-76S.doc>

Briefing Planned: No

ASAG Responsibilities: None

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<http://fast.faa.gov/docs/forms/06-76S.doc>

Links for New/Modified Forms (or) Documents (LINK 1) [replace updated checklist at this link - http://fast.faa.gov/docs/forms/ChecklistBPA.doc](#)

Links for New/Modified Forms (or) Documents (LINK 2) [replace updated checklist at this link - http://fast.faa.gov/docs/forms/coafcl.doc](#)

Links for New/Modified Forms (or) Documents (LINK 3) [replace updated checklist at this](#)

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[link - http://fast.faa.gov/docs/forms/ChecklistModifications.doc](http://fast.faa.gov/docs/forms/ChecklistModifications.doc)

SECTIONS REMOVED:

Procurement Guidance:

Section 5 : Required Approval of Support Services [\[Old Content\]](#)

SECTIONS EDITED:

Procurement Guidance:

T3.2.1 - Procurement Planning (Revision 6, July 2008)

Procurement Request (PR)

Section 9 : PR Package Clearances, Justifications and Other Documentation

[\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

T3.2.2.4 - Single Source

Single Source Contracting

Section 3 : Award of Single Source [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS REMOVED:

Procurement Guidance:

Section 5 : Required Approval of Support Services.

a. *Requirement.* Except as provided in paragraph c. below, any acquisition for support services which is either non-competitive or competitive but fewer than three offers were submitted, and with an expected total value of \$1 million or more, must be approved by FAA's Deputy Administrator prior to award. Acquisitions subject to this review requirement include:

(1) Simplified purchases, contracts, task orders, delivery orders, and work orders to be placed using the formerly named RESULTS National Contracting Service (or similar successor contracting programs using qualified vendor lists for services).

(2) Orders under any multiple award services contracting vehicles, such as the Basic Information Technology Services II (BITS II), Multiple Area Support Services (MASS) procurement vehicles, Federal Supply Schedule and Government-wide Acquisition Contracts.

(3) Modifications outside the scope of a support services contract (for example, increases in the quantity of services being procured, new labor categories being procured, or an increase in the contract ceiling not attributable to normal changes in accordance with the Changes clause or other clause in the contract).

b. *Procedures.*

(1) The service team must prepare a justification for single source or limited competition for the program official's signature, using the "Justification for Single Source or Limited Competition Support Services Award" template in FAST (under the Procurement Form Templates section).

(2) The program official obtains approval from his or her Vice President or Assistant/Associate Administrator. If the requirement is for information technology support services, the program official must obtain the Chief Information Officer's

approval before sending the justification to his or her Vice President or Assistant/Associate Administrator.

(3) Once senior management concurrence is obtained, the program official sends the justification to legal counsel and the Contracting Officer (CO) for review and signature.

(4) The CO then routes the justification for approval through: his or her division manager, headquarters Manager of Contract Oversight (AJA-451), Program Director for Contract Operations and Oversight (AJA- 45), and Director of Acquisition Policy and Contracting (AJA-4) to FAA's Acquisition Executive. If the Acquisition Executive concurs, the justification is forwarded to the Deputy Administrator for approval. The CO sends a copy of the justification to headquarters Office of Financial Controls (AFC-1) at the same time as it is routed to his or her division manager. A copy of the Deputy Administrator-approved justification is also provided by the CO to both the headquarters Director of Acquisition Policy and Contracting (AJA-4) and the Manager of Contract Oversight (AJA-451).

c. *Exception to Deputy Administrator's Approval.* Any award for support services made to socially and economically disadvantaged businesses (8(a)) when the anticipated total value of the procurement (including all options) is \$3.5 million or less or to service-disabled veteran owned small businesses do not require approval from the Deputy Administrator as described in paragraph a. above.

d. *Excluded Categories of Services.* For the purposes of this section, support services do not include: telecommunications, satellites, utilities, air traffic control, weather observations, routine facilities support (such as janitorial, guards, grounds maintenance, or snow removal), routine administrative support (such as mail delivery, moving and storage, or general reproduction and graphics), routine maintenance and repair (such as preventative maintenance for systems and equipment, office equipment repair, or aircraft engine overhaul), or services obtained from another Federal agency through an interagency agreement.

e. The CO must consult with legal counsel if there is any uncertainty about whether a planned acquisition for services is subject to the approval required by this section.

SECTIONS EDITED:

Section 9 : PR Package Clearances, Justifications and Other Documentation

Old Content: Procurement Guidance:

T3.2.1 - Procurement Planning (Revision 6, July 2008)

Procurement Request (PR)

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a. *Chief Financial Officer Approval.* For a single or cumulative expenditure over \$10M, the CO must receive evidence of the Chief Financial Officer's (CFO) approval of the procurement prior to issuing a Request for Offer (RFO). (See AMS Procurement Guidance T3.2.4 "Chief Financial Officer Requirements" for additional information.)

b. *Deputy Administrator Approval of Support Services.* Requirements for single source support services (and for support services in which less than three offers were received) with a total estimated value of \$1 million or more must be justified, reviewed by appropriate management officials, and approved by the Deputy Administrator. (See AMS Procurement Guidance T3.8.2 "Service Contracting" for more information).

c. *Accountable Personal Property.* FAA's financial standards and annual audit require accurate recording of personal property acquisitions. Before creating a requisition in PRISM, the program official must establish appropriate projects and tasks in the DELPHI Project Accounting (PA) module. Each line item on a requisition must have at least one (but can have more than one) project and task associated with it. The CO will use the line item structure contained in the requisition when setting up the Contract Line Item Number (CLIN) structure.

d. *Government Furnished Property, Information, or Material.* The PR package identifies Government property, information, or material. FAA property is managed, transferred, and added to FAA records through the Automated Inventory Tracking System (AITS). Any special restrictions or conditions, such as property provided "as is," security issues, or special handling should also be specified in the PR package.

e. *Personal Property from Commercial Sources.* Before initiating a requisition to obtain personal property, program officials must determine if the property is available for reuse from an FAA or other Government source, as required by FAA Order 4800.2C (May 31, 1996) and "FAA Reutilization and Disposition Process & Procedure Guide," dated October 2006, available online at: <http://ats.awa.faa.gov/aaf/afz/500/processguides/processguides.html>

f. *Project Materiel.* Materiel for projects is requisitioned through the Logistics and Inventory System (LIS) Project Materiel Management System (PMMS). For further information on acquiring materiel, refer to the "Project/Materiel Management Desk Guide" available online at: https://intranet.faa.gov/FaaEmployees/org/staffoffices/aba/assets/material_management/

g. *Section 508 of the Rehabilitation Act.* Acquisition of electronic and information technology (EIT) must comply with Section 508 requirements for accessibility. The program official must document EIT non-availability, including market research performed and standards that cannot be met. For further information, see AMS Procurement Guidance T3.2.2 "Source Selection," or the FAA Section 508 website at: www.faa.gov/about/office_org/headquarters_offices/aio/e_gov/sec_508/

h. *Personnel Security.* For individuals that may need access to FAA facilities, sensitive unclassified information, or resources, the contract security clause contains sufficient language to meet that objective. For specific guidance and regulations, see the applicable personnel security orders (FAA Order 1600.1E "Personnel Security Program" and FAA Order 1600.72A

“Contractor and Industrial Security Program”). FAA Form 1600-77, "Contractor Position Risk/Sensitivity Level Designation Record" is used by the Operating Office to make initial position risk/sensitivity level designations based on the initial list of positions and the statement of work.

i. *Sensitive Unclassified Information.* The program official must coordinate with the local FAA Servicing Security Element (SSE) for the minimum standards to mark, store, control, transmit, and destroy Sensitive Unclassified Information, For Official Use Only, Sensitive Security Information, or unclassified information that may be withheld from public release. (See FAA Order 1600.75 or AMS Procurement Guidance T3.14.1 "Security" for additional information.)

j. *Classified Information.* The PR package should identify any requirements for handling of classified materials or for access of contractor personnel to classified information. (See FAA Order 1600.2E “Safeguarding Classified National Security Information” for additional information).

k. *Information Systems Security.* The FAA must ensure that all information systems are protected from threats to integrity, availability, and confidentiality. (See FAA Order 1370.82A for additional information.)

l. *Paperwork Reduction Act.* The FAA must obtain approval to collect information through questionnaires, focus groups, telephone surveys, applications, performance reports, customer satisfaction surveys, studies and evaluations, interviews, forms, and other means of requesting information from 10 or more respondents. The program official must first coordinate requirements through the FAA Information Clearance Officer (AIO-20), and then obtain clearance from Office of Management and Budget (OMB).

m. *Privacy Act.* When a requirement involves the design, development, or operation of a system of records on individuals for an FAA function, the statement of work must identify FAA rules and regulations implementing the Privacy Act. (See FAA Order 1280.1A “Protecting Privacy of Information About Individuals.”)

n. *Printing or Duplicating or Purchase or Lease of Copying Equipment.* For printing or duplicating services to be performed either by Government Printing Office (GPO) or outside printing businesses, program officials must coordinate with the cognizant FAA printing management office. Purchase or lease of duplicators or electronic copiers over \$100,000 must be approved: for Headquarters acquisitions, coordinate with the Corporate Information Division (ABA-10); Region, Center and Service Area acquisitions, coordinate with the servicing printing management organization.

o. *NAS Specifications.* Specifications for acquisitions under the Capital Improvement Program (CIP) are baselined and under configuration control. A requisition for NAS program specification change must include evidence of approval by the NAS Configuration Control Board.

p. *Options*. If optional quantities or services are to be included, the PR package should state the basis for evaluating the offerors' proposals. The PR package should indicate whether it is expected that offers will be evaluated for award purposes only on the basis of the price for the basic requirement exclusive of options, or price inclusive of options.

q. *Warranty*. Warranties should be cost beneficial. For other than standard commercial warranty generally accepted as included with basic purchase price, the PR package should include an analysis of the costs of a warranty and its administration, versus the benefits of liability deferral.

r. *Liquidated Damages*. Before liquidated damages provisions may be included in a contract, the program official must adequately justify and document the basis for amounts to be assessed. (See AMS Procurement Guidance T3.8.7 "Construction Contracting" for more information.)

s. *Brand Name Products*. When a brand name or equal description is used, the PR package must state the brand name product and salient physical, functional, performance, and interoperability or interface characteristics of the brand name product so that vendors may offer alternative but equal products. Brand name-mandatory descriptions identify a specific make, model, or catalog number, and manufacturer of a product. This type of description differs from brand name or equal because vendors may not provide an equal item. For brand name-mandatory, a single source justification is required with the PR package. (See AMS Procurement Guidance T3.2.2.8 "Describing Needs" for more information.)

t. *Recovered Materials*. Program officials are responsible for defining product specifications, utilizing FAA's minimum content standards or preference standards, when procuring EPA-designated items. The program official should provide a written determination certifying that the statement of work/specifications for materials/services specified complies with the FAA's preference standards for recovered materials. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

u. *Recycled Content*. Purchases of EPA-designated recycled content products must meet or exceed EPA guideline standards, unless price, performance, or availability justifies not doing so. The program official should document this determination. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

v. *Capital Versus Non-Capital Lease Determination*. The FAA is required to capitalize certain improvements in both owned and leased space. In addition, the FAA (to include the Operating Office, RECO, and accounting) is required to make a determination as to whether leases (including real property leases) are capital or operating leases and insure they are recorded and filed accordingly. (See AMS Real Estate Guidance 3.1.5 "Capitalization" for additional information and applicable forms.)

w. *Personal Services*. Personal services contracts are permissible if appropriately justified and approved by senior management. The PR package must include evidence of this approval. (See AMS Procurement Guidance T3.8.2 "Service Contracting" for more information.)

x. *Single Source Justification.* When in FAA's best interests, a single source procurement may be appropriate. The program official should prepare a justification documenting the rational basis for using a single vendor. (See AMS Procurement Guidance T3.2.2.4 "Single Source" for additional information.)

y. *Technical Evaluation Factors/Plan.* Technical evaluation factors must be approved before issuing a solicitation. The program official must provide the factors and plan for evaluating technical proposals.

z. *Earned Value Management System (EVMS).* An earned value management system (EVMS) is required for projects involving development, modernization, or enhancement estimated at \$10M or more. Program officials should consult with the FAA's EVM Focal Point (AJA-42) to determine appropriate EVMS certification, review, and reporting requirements. (See AMS "Earned Value Management Guide" for additional information.)

New Content: Procurement Guidance:

T3.2.1 - Procurement Planning (Revision 6, July 2008)

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Section 9 : PR Package Clearances, Justifications and Other Documentation

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rq. - Liquidated Damages. - Before liquidated damages provisions may be included in a contract, the program official must adequately justify and document the basis for amounts to be assessed. - (See AMS Procurement Guidance T3.8.7 "Construction Contracting" for more information.)

sr. - Brand Name Products. - When a brand name or equal description is used, the PR package must state the brand name product and salient physical, functional, performance, and interoperability or interface characteristics of the brand name product so that vendors may offer alternative but equal products. - Brand name-mandatory descriptions identify a specific make, model, or catalog number, and manufacturer of a product. - This type of description differs from brand name or equal because vendors may not provide an equal item. - For brand name-mandatory, a single source justification is required with the PR package. - (See AMS Procurement Guidance T3.2.2.8 "Describing Needs" for more information.)

ts. - Recovered Materials. - Program officials are responsible for defining product specifications, utilizing FAA's minimum content standards or preference standards, when procuring EPA-designated items. The program official should provide a written determination certifying that the statement of work/specifications for materials/services specified complies with the FAA's preference standards for recovered materials. - (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

ut. Recycled Content. - Purchases of EPA-designated recycled content products must meet or exceed EPA guideline standards, unless price, performance, or availability justifies not doing so. - The program official should document this determination. - (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

vu. Capital Versus Non-Capital Lease Determination. The FAA is required to capitalize certain improvements in both owned and leased space. In addition, the FAA (to include the Operating Office, RECO, and accounting) is required to make a determination as to whether leases (including real property leases) are capital or operating leases and insure they are recorded and filed accordingly. - (See AMS Real Estate Guidance 3.1.5 "Capitalization" for additional information and applicable forms.)

wv. Personal Services. - Personal services contracts are permissible if appropriately justified and approved by senior management. - The PR package must include evidence of this approval. - (See AMS Procurement Guidance T3.8.2 "Service Contracting" for more information.)

xw. Single Source Justification.- When in FAA's best interests, a single source procurement may be appropriate.- The program official should prepare a justification documenting the rational basis for using a single vendor.- (See AMS Procurement Guidance T3.2.2.4 "Single Source" for additional information.)

yx. Technical Evaluation Factors/Plan.— Technical evaluation factors must be approved before issuing a solicitation.- The program official must provide the factors and plan for evaluating technical proposals.

zy. - Earned Value Management System (EVMS).- An earned value management system (EVMS) is required for projects involving development, modernization, or enhancement estimated at \$10M or more.- Program officials should consult with the FAA's EVM- Focal Point (AJA-42) to determine appropriate EVMS certification, review, and reporting requirements.- (See AMS "Earned Value Management Guide" for additional information.)

Section 3 : Award of Single Source

Old Content: Procurement Guidance:

T3.2.2.4 - Single Source

Single Source Contracting

Section 3 : Award of Single Source

(a) After approval of the single source justification, the CO may negotiate final contract terms and price or cost with the single source vendor and award the procurement action. (If the single source is for support services, also see AMS Procurement Guidance T3.8.2 "Service Contracting" for information about required approval by the Deputy Administrator).

(b) When the total estimated value is over \$100,000, the CO must issue a preaward public announcement (excluding emergencies) summarizing the basis for the single source decision. The CO may make a post award announcement to promote potential subcontracting opportunities. (Also see AMS Procurement Guidance T3.13.1 "Other Administrative Procedures" for information about notifications to FAA management and Congress).

New Content: Procurement Guidance:

T3.2.2.4 - Single Source

Single Source Contracting

Section 3 : Award of Single Source

(a) After approval of the single source justification, the CO may negotiate final contract terms and price or cost with the single source vendor and award the procurement action.

(b) When the total estimated value is over \$100,000, the CO must issue a preaward public announcement (excluding emergencies) summarizing the basis for the single source decision.

The CO may make a post award announcement to promote potential subcontracting opportunities. (Also see AMS Procurement Guidance T3.13.1 "Other Administrative Procedures" for information about notifications to FAA management and Congress).

Red Line Content: Procurement Guidance:

T3.2.2.4 - Single Source

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