

CHANGE REQUEST COVER SHEET

Change Request Number: 10-01

Date Received: 9/23/2009

Title: Support Contractor Identification

Name: Tim Eckert

Phone: (202) 267-7527

Policy OR Guidance: Guidance

Section/Text Location Affected: T3.8.2(A)(4)

Summary of Change: Establish requirement for support services contractors to clearly identify themselves as such when needed.

Reason for Change: Avoidance of potential personal services issues arising from support services contractors being mistaken for FAA personnel during their interactions with FAA personnel

Development, Review, and/or Concurrence: Acquisition Policy Division; Legal; and Contracting Organizations at FAA HQ, Centers, and Regions.

Target Audience: FAA Contracting Workforce and Program offices

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) [null](#)

Links for New/Modified Forms (or) Documents (LINK 2) [null](#)

Links for New/Modified Forms (or) Documents (LINK 3) [null](#)

SECTIONS EDITED:

Procurement Guidance:

T3.8.2 Service Contracting

Service Contracting

Section 4 : Support Services Contracting [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 4 : Support Services Contracting

Old Content: Procurement Guidance:

T3.8.2 Service Contracting

Service Contracting

Section 4 : Support Services Contracting

a. Support services contracts require contractor personnel with specific expertise, knowledge, skill, or experience to help implement or improve the FAA's systems, programs, functions, or goals. Although not a comprehensive description, support services include:

Technical, engineering, and scientific expertise, advice, analysis, studies, or reports in areas such as: information technology design, programming, networking, installation, operation, data management, and customer support; definition and design of systems, equipment, software and facilities; system engineering; requirements management and specification development; modeling and simulation; risk analysis and management; cost estimating; human factors engineering; information security; testing and operational evaluation; logistics support analysis; technical writing; and expertise and analysis on the effectiveness, efficiency, or economy of technical operations of equipment, systems, services, or procedures.

Professional, management, and administrative expertise, advice, analysis, studies, or reports in areas such as: program management, execution, and control; procurement management; employee training and development; payroll and finance administration; budget formulation and execution; cost and benefit analysis; economic and regulatory analysis; environmental analysis; management and organizational evaluation; staffing, workload and workflow analysis; conferences, seminars, and meetings; public events and writing; and expertise and analysis on the effectiveness, efficiency, or economy of management and general administrative operations and procedures.

b. The entire service team (Contracting Officer, Contracting Officer's Technical Representative (COTR), attorney, and program officials) should ensure:

(1) There is a good business case, considering need, benefit, cost, and alternatives, for acquiring support services;

(2) Support services do not overlap or duplicate services being acquired elsewhere in the FAA;

(3) There is a solid, well-documented rationale for selecting the contractor; and

(4) The FAA has the expertise to monitor the contractor's performance;

c. When support services are obtained on a *time and materials or labor hour basis*, the Contracting Officer and program official/COTR should ensure:

(1) Statements of work clearly define the expected outputs or objectives;

(2) The contract or task includes only those labor categories necessary to achieve the required outputs, and the basis for selecting the labor categories is documented in the contract file;

(3) The contract identifies specific education, experience, and other appropriate requirements for each labor category;

(4) The solicitation requires the offeror to propose specific personnel for the labor categories, and to provide a resume for each proposed person. The solicitation may include a provision for submitting resumes within a reasonable time after contract award, subject to Contracting Officer's approval of each proposed person. The provision should specify any costs incurred before approval of resumes may be disallowed if the Contracting Officer determines a person's qualifications do not meet the terms and conditions of the contract;

(5) The evaluation team reviews the offeror's proposed personnel to ensure that these persons meet the position requirements for the labor category. For offerors allowed to submit resumes after award, the Contracting Officer and program official/COTR review resumes to ensure proposed personnel meet position requirements;

(6) Review of contractor's invoices includes a comparison of labor categories, rates and hours charged to the contract with the work actually performed;

(7) The contractor submits employee resumes and obtains Contracting Officer approval of any personnel changes after contract award, and the contract file is documented with Contracting Officer's approval of the personnel changes; and

(8) Periodic spot checks of contractor employee's qualifications against contractually-specified qualifications.

d. Support services obtained through a multiple award schedule or program, e.g., BITS, must follow any additional required procedures, such as competing task orders or comparing rates and capabilities among multiple sources.

e. Contracting Officers must review and approve all invoices submitted under an FAA service contract. This excludes invoices provided under the purchase card program.

f. Contract ceilings established at the time of initial award must be reasonably related to the amount of work anticipated to be ordered and, in no instance, should exceed 110% of the anticipated funding required to support the work reasonably anticipated. This applies to those contract types in which ceilings are required, i.e., time and materials.

g. Government personnel, and not contractors who will perform the work, must always determine the final results of market surveys and prepare the final content of statements of work and prepare independent Government cost estimates.

h. An apparent or actual conflict of interest must be avoided. Support services solicitations and new contracts with a total value of \$10,000 or more, and modifications of \$1,000,000 or more to existing support services contracts, must include AMS clause 3.1.7-6 "Disclosure of Certain Employee Relationships." The CO must notify legal counsel when the contractor discloses a former FAA employee or relative of a current FAA employee working under the contract, and when the CO has reason to believe the contractor has made an incomplete or improper disclosure. The CO collects facts surrounding each contractor disclosure and, with legal counsel, assesses the information to determine whether an apparent or actual conflict of interest exists. Depending on the assessment, the CO may require the contractor to provide and implement a plan to avoid, neutralize, or mitigate a conflict of interest involving its employee(s). The CO documents this assessment and any actions taken.

New Content: Procurement Guidance:

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Professional, management, and administrative expertise, advice, analysis, studies, or reports in areas such as: program management, execution, and

control; procurement management; employee training and development; payroll and finance administration; budget formulation and execution; cost and benefit analysis; economic and regulatory analysis; environmental analysis; management and organizational evaluation; staffing, workload and workflow analysis; conferences, seminars, and meetings; public events and writing; and expertise and analysis on the effectiveness, efficiency, or economy of management and general administrative operations and procedures.

Note: Consistent with the definition of a service contract under “General Requirements” above, support services do not include contracts for leasing facilities or equipment, subscription services, commercial licensing agreements, or anything else furnishing an end item of supply rather than performing an identifiable task. Additionally, services subject to the Service Contract Act (e.g. janitorial, grounds maintenance, guard services, mail delivery, etc.) are not support services. Also excluded are services for direct support of FAA operations (e.g., telecommunications, flight services, satellite services, utilities, etc.).

b. The entire service team (Contracting Officer (CO), Contracting Officer’s Technical Representative (COTR), attorney, and program official) should ensure:

- (1) There is a good business case, considering need, benefit, cost, and alternatives, for acquiring support services;
- (2) Support services do not overlap or duplicate services being acquired elsewhere in FAA;
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c. When support services are obtained on a *time and materials or labor hour basis*, the CO and program official/COTR should ensure:

- (1) The statement of work clearly defines expected outputs or objectives;
- (2) The contract or task includes only those labor categories necessary to achieve required outputs, and the basis for selecting the labor categories is documented in the contract file;
- (3) The contract identifies specific education, experience, and other appropriate requirements for each labor category;
- (4) The solicitation requires the offeror to propose specific personnel for the labor categories, and to provide a resume for each proposed person. The solicitation may include a provision for submitting resumes within a reasonable time after contract award, subject to CO’s approval of each proposed person. The

provision should specify any costs incurred before approval of resumes may be disallowed if the CO determines a person's qualifications do not meet the terms and conditions of the contract;

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d. Support services obtained through a multiple award schedule or program, e.g., eFAST, must follow any additional required procedures, such as competing task orders or comparing rates and capabilities among multiple sources.

e. The CO must review and approve all invoices submitted under an FAA service contract. This excludes invoices provided under the purchase card program.

f. Contract ceilings established at the time of initial award must be reasonably related to the amount of work anticipated to be ordered and, in no instance, should exceed 110% of the anticipated funding required to support the work reasonably anticipated. This applies to those contract types in which ceilings are required, i.e., time and materials.

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implement a plan to avoid, neutralize, or mitigate a conflict of interest involving its employee(s). The CO documents this assessment and any actions taken.

i. *Contractor Identification.* Contractors providing support services for FAA, as defined in this Section, must identify themselves as supporting an FAA office or program when there is any reasonable question regarding their status. This identification must be in all forms of support-related communication including meetings and teleconferences, individual phone calls, and email. For example, in meetings where everyone is introducing themselves or when making or receiving calls through the FAA telephone system, such contractors must identify themselves as contract support. At meetings where there is a “sign-in” sheet or similar roster, contractors must identify themselves as contract support. Similarly, the signature block of support contractor personnel using the FAA email system (in addition to the “ctr” in the email address) must identify the individual as a support contractor. Such identification will reduce the potential for appearances of an employer-employee relationship between FAA and its contract support personnel. FAA program managers, COTRs, and contracting personnel are responsible for ensuring compliance with this requirement as part of the administration of individual support contracts.

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