

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 20-65

**Date Received:** 8/3/20

**Title:** AMS Procurement Guidance (Batch 2) Real Property Integration

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**Policy and Guidance:** (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance
- Non-AMS Changes

**Summary of Change:**

Integration of Real Property Guidance into Procurement Guidance T3.2.1 (Procurement Planning), T3.2.1.2 (Market Analysis), T3.2.1.5 (Disaster or Emergency Preparedness and Response), and T3.2.2.8 (Describing FAA Needs).

**Reason for Change:**

The purpose of this change is to integrate Real Property Guidance into Procurement Guidance T3.2.1 (Procurement Planning), T3.2.1.2 (Market Analysis), T3.2.1.5 (Disaster or Emergency Preparedness and Response) and T3.2.2.8 (Describing FAA Needs) per directive.

**Development, Review, and Concurrence:**

AAQ, AAP and AGC

**Target Audience:**

Real Property & Procurement Contracting Personnel

**Briefing Planned:** No.

**ASAG Responsibilities:** None.

**Section / Text Location:**

AMS Guidance T3.2.1 (Procurement Planning), T3.2.1.2 (Market Analysis), T3.2.1.5 (Disaster or Emergency Preparedness and Response), and T3.2.2.8 (Describing FAA Needs).

**The redline version must be a comparison with the current published FAST version.**

I confirm I used the latest published version to create this change / redline

**or**

This is new content

**Links:**

<https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.1.pdf>

<https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.1.2.pdf>

<https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.1.5.pdf>

<https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.2.8.pdf>

**Attachments:**

T3.2.1, T3.2.1.2, T3.2.1.5 , and T3.2.2.8.

**Other Files:**

N/A.

**Redline(s):**

**Sections Revised:**

- 3.2.1 A 1 – Purpose of a Procurement Request Package**
- 3.2.1 A 2 – Content of PR Package**
- 3.2.1 A 3 – Review by Chief Information Officer**
- 3.2.1 A 5 – Procurement System-Generated Requisition**
- 3.2.1 A 6 – Funds Certification**
- 3.2.1 A 7 – Requisition Approval Levels**
- 3.2.1 A 8 – Describing Requirements**
- 3.2.1 A 9 – Independent Government Cost Estimate**
- 3.2.1 A 10 – PR Package Clearances, Justifications and Other Documentation**
- 3.2.1 A 12 – Conference Space or Short Term Leases**
- 3.2.1 A 13 – Logistics Center Supply Support**
- 3.2.1 A 16 – Liquidated Damages**
- 3.2.1 A 17 – Returning a Deficient PR Package**
- 3.2.1 A 18 – Approval of Multiple Award Procurement Programs**

**Sections Removed:**

- 3.2.1 A 14 – Real Property**
- 3.2.1 A 15 – Public Utilities**

**Procurement Guidance - (09/2020)**

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T3.2.1 - Procurement Planning Revised 4/2009

A Procurement Request (PR) Revised 7/2007

- 1 Purpose of a Procurement Request Package Revised 7/2007 9/2020
- 2 Content of PR Package Revised 4/2018 9/2020
- 3 Review by Chief Information Officer Revised 10/2018 9/2020
- 4 Reserved Revised 1/2018
- 5 PRISM Procurement System-Generated Requisition Revised 7/2007 9/2020
- 6 Funds Certification Revised 10/2012 9/2020
- 7 Requisition Approval Levels Revised 10/2014 9/2020
- 8 Describing Requirements Revised 7/2007 9/2020
- 9 Independent Government Cost Estimate Revised 10/2016 9/2020
- 10 PR Package Clearances, Justifications and Other Documentation Revised 7/2019 9/2020
- 11 Simplified Purchases Revised 7/2007
- 12 ~~Lease or Rental Space~~ Conference Space or Short Term Leases Revised 7/2007 9/2020
- 13 Logistics Center Supply Support Revised 7/2007 9/2020
- 14 Real Property Revised 4/2009
- 15 Public Utilities Revised 7/2007
- 14 Reserved Revised 09/2020
- 15 Reserved Revised 09/2020
- 16 ~~6~~ Liquidated Damages Added 10/2014 Revised 9/2020
- 17 ~~7~~ Returning a Deficient PR Package Revised 10/2014 9/2020

1898 Approval of Multiple Award Procurement Programs Revised ~~1/2020~~ 9/2020

B Clauses

C Forms Revised 7/2007

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### T3.2.1 - Procurement Planning Revised 4/2009

#### A Procurement Request (PR) Revised 7/2007

##### 1 Purpose of a Procurement Request Package Revised 7/2007 9/2020

A Procurement Request (PR) package initiates acquisition of supplies, equipment, real property, utilities, material, systems, services, or construction. It is the basis for a Contracting Officer (CO) to plan, solicit, and award a contract, purchase order, delivery/task order, agreement, lease, modification, or other procurement action. The PR package is used to define the requestor's requirements so the CO can acquire supplies, real property, utilities, and services from or through other Government agencies, private and public organizations and institutions, and commercial vendors.

##### 2 Content of PR Package Revised 1/2018 9/2020

(a) ~~The program official requiring service organization, is responsible for with the requirement to be satisfied through a procurement action prepares the PR package. The nature, value, and complexity of the requirement determines the exact content of the package. For example, information needed for a single source contract modification differs from that required for a systems development requirement to be competitively procured.~~

(b) As soon as a requirement becomes known, ~~the the program official requiring service organization~~ should consult with the cognizant contracting organization, or CO if known, to determine the specific types of information needed for an acceptable PR package, and when the information must be provided. ~~Much of the~~The information in a PR package is the foundation for a contractual instrument, so it should be complete in all essential aspects. The Estimated Acquisition Lead-Time chart (see AMS Procurement Forms) may serve as a planning tool for both the contracting organization and ~~program official requiring service organization~~ to estimate lead-times for the various milestones applicable to a procurement.

(c) ~~The requiring service organization is responsible for submitting the PR package to the appropriate contracting office, or assigned CO if known. Unless otherwise required by local procedures implemented by mutual agreement between the PR-initiating organization and contracting office, documents in the PR package are in electronic format and annotated with a PR number and project title. Materials accompanying a PR package that cannot be provided in electronic format, such as drawings, are delivered to the appropriate contracting office or assigned CO, and labeled with PR number, project title, and location.~~

(d) The following list represents information and documentation that may be required for a PR package ~~for the procurement of products, services or construction (design or alternation of property)~~. This list is not all-inclusive ~~nor and will~~ each item below will not apply to every procurement action:

- (1) Requisition committing funds.

- (2) Statement of work, specifications, purchase description, drawings, or other appropriate technical description of the requirement.
- (3) Technical data items (such software design documents or test plans) to be delivered, Data Item Descriptions (defining data content, format, preparation instructions, and intended use), and Contract Data Requirements List.
- (4) Independent Government Cost Estimate.
- (5) List of potential vendors and addresses (including incumbent contractor, if applicable).
- (6) Delivery destination or place of performance and delivery date or period of performance (and optional quantities or periods).
- (7) Method and place of inspection and acceptance.
- (8) List of Government furnished property or information.
- (9) First article testing requirements.
- (10) Federal standards that must be met, e.g., energy, environment, health, and safety.
- (11) Physical, personnel, and information system security requirements.
- (12) Position Designation Record OPM Position Designation Automated Tool (PDT).
- (13) Classified information or sensitive unclassified information handling requirements.
- (14) Requirement for vendor's descriptive literature or product samples.
- (15) Brand name or equal or brand name mandatory justification.
- (16) Warranty requirements which are over and above generally accepted warranty included with the purchase of an item/service.
- (17) Liquidated damages justification.
- (18) Requirement for value engineering provisions.
- (19) Privacy Act compliance determination.
- (20) Section 508 Rehabilitation Act determination of non-availability or undue burden.
- (21) Reprourement data requirements, spare/repair parts lists, or other special rights.
- (22) Information about use of existing patents or copyrights.

- (23) Performance or payment bond requirements.
- (24) Requirement for insurance coverage or special indemnification.
- (25) Support services labor categories and description of minimum qualifications.
- (26) Requirement for key personnel clause.
- (27) Requirement for Government consent to subcontracting clause.
- (28) Personal services justification.
- (29) Single source justification.
- (30) ~~(CFO)~~ approval- Over \$10 million (Note: The contracting office may accept a PR that lacks the CFO approval for applicable procurements over \$10 million; however, the CFO approval must be received by the CO prior to the issuance of the Request for Offer (RFO)).
- (31) Chief Information Officer's approval for information technology over \$250,000.
- (32) Draft technical evaluation factors.
- (33) Draft technical proposal instructions.
- (34) Requirements for earned value management system, reports, and integrated baseline reviews.

(e) Real Property. For real property PR packages, the requisition should also include the name, address, and telephone number of the property owner (or his/her representative), if known, and a record of any and all contact(s) with the owner/representative. Contacts with an owner/representative should only be made by the CO. At a minimum, requirements for real property should specify the type of requirement and contain the information described below.

~~The program official submits the PR package to the appropriate contracting office, or assigned CO if known. Unless otherwise required by local procedures implemented by mutual agreement between the PR initiating organization and contracting office, documents in the PR package are in electronic format and annotated with a PR number and project title. Materials accompanying a PR package that cannot be provided in electronic format, such as drawings, are delivered to the appropriate contracting office or assigned CO, and labeled with PR number, project title, and location.~~

(1) Land Acquisition (Purchase or Lease). For such acquisitions, the PR package should include information for the CO to begin the acquisition process. Items for any new or renewal lease action include:

- (a) Statement of Need, if applicable.
- (b) The projected life of a facility or property for land (total term requirement for real property).

- (c) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive or other easements (e.g., 750, 1000, 1200 or 1500- foot radius; trees removed to XX feet).
- (d) The legal description of the site and easements, expressed either in meters and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the CO.
- (e) Drawings, to scale, of the property(ies) to be acquired, if available.
- (f) Clearances. Environmental clearances, as follows:
  - i. A statement that due diligence has been performed according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and FAA Order 1050.19C, Environmental Due Diligence (EDD) in the Conduct of FAA Real Property Transactions. The CO receives the final, signed EDD and places a copy of the report in the real property transaction file. A copy of the EDD report should be included in the PR package, as well as a letter of acceptance of the report signed by the requiring service organization. The level of environmental due diligence required varies depending on the specifics of each real property transaction.
  - ii. If the site is contaminated with hazardous material, the PR package should include a cost/benefit analysis and a statement of justification signed by the requiring service organization.

(2) Space Acquisition (Purchase or Lease). For space acquisitions, the PR package, at a minimum, should include the following information for the CO to begin the space acquisition process:

- (a) Statement of Need, if applicable.
- (b) Environmental Documentation.
- (c) The intended use of the space (e.g., AFS, FSDO).
- (d) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated by the requiring service organization.
- (e) Union coordination document, if applicable.
- (f) A statement of one-time costs broken out by line item, if applicable.
- (g) Special Requirements. These include, but are not limited to:
  - i. Authorized private offices;
  - ii. Wiring for data lines;
  - iii. 24-hour access;
  - iv. HVAC requirements;
  - v. Temperature and humidity level limits;
  - vi. Local Area Network (LAN) rooms;
  - vii. Computer Based Instruction (CBI) rooms;
  - viii. Written examination room;
  - ix. Cleaning/Janitorial Requirements;
  - x. Floor loads and types;
  - xi. Antennas attached to roof;

- xii. Special finishes.
- xiii. Facility Security Requirements
- xiv. Loading docks and other special equipment areas; and
- xv. Special areas required by Bargaining Unit Agreements.

(h) Vehicle parking requirements (For vehicle parking requirements, the service organizations must adhere to requirements established in FAA Order 1600.69 (FAA Facility Security Management Program), Uniform Federal Accessibility Standards (UFAS), and the Americans with Disabilities Act (ADA);

(i) Recommended total lease term (base lease term plus renewal option(s));

(j) Delineated area and map depicting the area.

(3) Space Alterations/Improvements/Repairs (AIR). For this, the PR package should include:

(a) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and

(b) Other related items, as stated for Space Acquisitions in paragraph T3.2.1.A.2.e(2).

(c) A description of how the cost of the improvements will be realized over the term of the lease.

(d) Independent Government Cost Estimate.

(e) Space Planner/Project Manager.

(4) Construction. For construction, the PR package should include:

(a) Real Property Interest.

i. For Real Property Land Interests. When a land lease or purchase is involved, the PR package should include a statement from the real property CO that such lease or purchase has been completed. In rare circumstances, if there is written assurance the property owner will provide real property rights and/or the property owner provides a written right of entry to begin construction, the PR may be processed.

ii. For Real Property Space Interests. For construction, modification, alteration, and/or repair to a leased space or building, the requiring service organization should coordinate with the contracting office involved in such leased space actions. The PR package should:

a. Contain a statement from the CO that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and

b. Comply with all applicable requirements set forth in e(1)c and e(1)d above.

(b) Environmental Considerations. A statement certifying that all current requirements for Environmental Due Diligence have been met. (See paragraph e(1)f above on environmental clearances.)

(c) Utility Requirements. If the requirement involves changes to the location or service of utilities, the PR package must state the status of obtaining utility service and the estimated date of its availability to the project. (See paragraph g below on utilities.)

(d) Vehicle or Pedestrian Safety. If the requirement affects the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, the PR package must include a statement to that effect and identify the governmental body which owns the highway, road, or street.

(5) Utilities. The PR package, at a minimum, should contain information sufficient to enable the CO to determine the required type(s) of service, quantity, delivery point(s), time of initial service, service duration, and the principal characteristics of services. At a minimum, the PR should include the following:

(a) —Public Utilities. At a minimum, the PR package should contain the following:

- i. Funding for the initial installation (F&E) and for the ongoing operations at the site (OPS).
- ii. Technical description or specification of the type, quantity, and quality of service required;
- iii. Date by which the service is required;
- iv. Existing Meter Numbers, if applicable;
- v. Estimated maximum demand, monthly consumption, and annual cost for the first full 12 months of service;
- vi. Schematic diagram or line drawing showing meter locations and Government connection point to utility supplier's system;
- vii. Estimated cost, including: required utility services, any connection charges; and contractor installed facilities for replacement utility services; and
- viii. Principal characteristics of service specifications. As a minimum, descriptions of the premises, or location to be served, in sufficient detail to clearly establish its identity by agency, function and address, as well as the service delivery point, and an attached map or drawing showing its exact location.

(b) Electrical Service Specifications. The PR package should contain:

- i. Monthly kilowatt hour (kWh) demand for a typical year;
- ii. Monthly kilowatt-hour (kWh) consumption for a typical year;
- iii. Type of current (AC or DC);
- iv. Number of phases;
- v. Anticipated load factor;

- vi. Substation primary and secondary voltages, and allowable variations or tolerances; and
- vii. Type of metering: (1) demand and/or watt hours, (2) kilovolt-amperes (kva) or kilowatts (kW).

(c) Water Service Specifications. The PR package should contain:

- i. The required pressure and type(s) of water required (e.g., potable water, industrial water, classified as to extent of required filtration or chemical treatment; or raw water [river, lake, well, etc.]); and
- ii. Exact location of connection with utility firm's distribution system.

(d) Gas Service Specifications. These specifications should state the supplier's tariff. They should describe the desired British Thermal Unit (BTU) content, the purity, and the initial and terminal pressure limitations. They should also include:

- i. The estimated maximum demand per hour or per day;
- ii. The estimated monthly usage of gas, by months, for a typical year; and
- iii. The exact location of connection with utility firm's distribution system.

(e) Sewer Service Specifications. These should specify the types of service required (e.g. sanitary with primary or secondary treatment, or raw waste disposal; industrial waste disposal; or storm water drainage). They should also include:

- i. The size(s) and location(s) of connections between Government and contractor systems; and
- ii. The exact location of connection with the utility firm's distribution system.

### **3 Review by Chief Information Officer** Revised 10/2018 9/2020

(a) The Chief Information Officer (CIO) must review and approve proposed procurement actions for information technology and service resources that are estimated to exceed \$250,000 and would result in a new or modified:

- (1) Contract;
- (2) Order, such as those issued through a Federal Supply Schedule (FSS); or
- (3) Agreement, to include interagency and intra-agency agreements.

(b) *Information Resources.*

(1) Equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the FAA.

(2) Information resources include:

A. Services (including support services):

B. Computers;

C. Ancillary equipment;

D. Software; and

E. Firmware and similar procedures.

(3) Information resources do not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

*(c) Review Process.*

(1) Procurement actions initiated by the Office of Information & Technology (AIT) that commit only funding allocated to AIT are under the direction and oversight of the Deputy Assistant Administrator for AIT and CIO. Such procurement actions fully comply with the requirements and goals of the CIO Review Process. Therefore, this CIO Review Process has been satisfied for such AIT procurement actions, and additional documentation is not required.

(2) For those proposed procurement actions for information technology and service resources that originate from Lines of Business other than AIT, or use funding that is not included in the AIT budget allocation, that are estimated to exceed \$250,000, the ~~program-requiring service organization~~ official must submit the following information to the Office of Information and Technology (AIT-3) for review:

A. Statement of Work (SOW) or requirements documentation;

B. Cost or price information, to include an ~~I~~independent Government ~~C~~ost ~~estimate~~ Estimate (IGCE) when required; and

C. Documentation of market research conducted.

(3) The CIO review package may be sent to AIT-3 electronically through e-mail or in hardcopy form.

(4) Once approved by the CIO, the program official may then prepare the requisition.

(5) Prior to submission of the requisition to the contracting office, the program office must note the date of the CIO's approval in the body of the requisition.

(d) *Goals of CIO Review.*

(1) Ensure that goals of the FAA Flight Plan are addressed in procurements involving information resources.

(2) Prevent redundant procurements.

(3) Ensure that the resource is compatible with the FAA's current or planned Enterprise Architecture.

(4) Ensure that information technology resources support FAA Business Processes.

(5) Promote and ensure information security and privacy.

(6) Identify potential savings or efficiencies.

**4 Reserved** Revised 1/2018

**5 PRISM Procurement System-Generated Requisition** Revised 7/2007 9/2020

(a) A requisition provides basic information, such as appropriation data, item description, place of performance, and quantity/dollars needed to begin a procurement action. It is also the means of reserving funds for the procurement. ~~Program officials~~Requiring service organization must prepare requisitions in the PRISM Procurement System, the FAA's automated requisitioning and purchasing system. Contracting offices cannot accept manually prepared Form DOT F-4200.1, "Procurement Request," equivalent hard copy PR forms, or manually signed PRISM Procurement System-generated forms.

(b) *Electronic Routing.* Requisition review, funds certification, and approval are through electronic routing in ~~PRISM~~the Procurement System and have the same force and effect as manual signatures.

(c) *Requisition Control and Numbering.* The functionality of ~~PRISM~~the Procurement System governs requisition numbering in accordance with AMS Procurement Guidance T3.13.1. Refer to ~~PRISM~~the Procurement System business process solution "Award Types and ~~PRISM~~Procurement System Document Numbering Masks" for further information.

(d) *Requisition Amendment/Modification.* If additional funds are needed, the ~~program official~~requiring service business organization should either issue an amendment to the requisition prior to an award being released or should create a requisition for modification after the award is released. Funds certification, review and approval are required for ~~both an amendment or~~either an amendment or requisition for modification. When the amount obligated for the contractual action is less than the amount funded on

the requisition, the ~~program official~~requiring service organization must de-commit excess funds. Because the original purpose of the requisition is considered complete, the requisition cannot later be amended to use the remaining funds either for the original purpose or for another purpose.

(e) *Canceling a Requisition.* ~~Program officials~~Requiring service organization may cancel a requisition prior to award by creating an amendment to de-commit funding.

(f) *Funds Estimate.* The requisition must indicate the total estimated cost of the requirement. For basic requisitions for new contracts, this includes the estimated amount of the basic contract and all planned options and any other requirements that would not be included in or funded as part of the basic contract. For contract modifications, this amount will be the total estimated cost of the action involved. For requisition amendments and requisition for modifications, whether for new contracts or modifications, the estimated amount will be the net amount of any change to the estimate stated in the basic requisition, and in addition to the net amount, identify in the body of the requisition the cumulative total estimated cost.

(g) *Required Quantity.* This is the FAA's need, present and projected, for which funding is or will be available. Quantity discounts and transportation costs must be considered when determining required quantity of supplies. Quantities should not include those for which there are no funded requirements, or for options for which FAA has little expectation of exercising. For ~~I~~Indefinite D~~delivery/~~I~~ndefinite Q~~quantity (ID/IQ) contracts, identify realistic minimum and maximum quantities. For ~~indefinite delivery/requirements~~ID/IQ contracts, the total estimated dollar amount for the requisition should be based on the total estimated quantity. The dollar amount on the requisition should cover the minimum quantity.

(h) For detailed instructions on preparing a requisition, ~~program official~~the requiring service organization should refer to the Procurement System PRISM-Requisitioner Guide and Business Processes and Policy, available on the PRISM-Procurement System website (FAA only).

(i) All PR's for Real Estate and Utilities Actions must have the Suffix "RE".

## **6 Funds Certification** Revised ~~10/2012~~ 9/2020

(a) The requisition must include funds certification if it commits funds to be obligated later on a contractual instrument. Funds certification verifies funds are reserved and certified as available, or funds are to be de-obligated on an award or de-committed on a requisition. Funds need not be certified on individual requisitions when "bulk funding" is used for Blanket Purchase Agreements (BPA).

(b) The person certifying funds must be designated in writing in accordance with written procedures of the organization issuing the requisition, and must be instructed by that organization on his or her responsibilities, duties and authority limits.

(c) An authorized requisitioner may also certify funds when local conditions, such as remoteness or a small facility, make it necessary, *provided*: written local procedures authorize this practice and establish

reasonable maximum dollar levels for combined funds certification and approval or requisitioning authority, and include monitoring and oversight procedures to ensure propriety of all such actions.

(d) Additional guidance and related business processes for funds certification can be found at the [PRISM website](#) [Procurement System website](#) (FAA only).

## 7 Requisition Approval Levels Revised 10/2014 9/2020

(a) Only designated FAA employees can approve a requisition. Approval levels are tied to the total estimated amount of the requisition to be approved, as follows:

(1) *Washington Headquarters Requisitions*

- A. Over \$500,000--Office Head, Director, Product or Service Team Lead, or equivalent or higher position.
- B. Over \$250,000 to \$500,000--Division Manager or equivalent position.
- C. Up to \$250,000--Branch Manager or equivalent position.

For Washington Headquarters, an Office Head, Director, Product or Service Team Lead, or equivalent position, as applicable, may delegate via memorandum approval levels differing from the above.

(2) *Service Areas, Regions, and Centers Requisitions.* Organizations approving requisitions within service areas, regions, and centers may establish written local requisition approval levels. [Program officials Requiring service organization](#) should contact their local finance office for information about approval levels.

(3) [Real Property Requisitions. The requiring service organization or equivalent or higher position approves all FAA Washington Headquarters, service areas, regions, and centers for real property requisitions. For real property requisitions, the APM-210 Branch Manager may delegate, via memorandum, approval levels based upon certain thresholds.](#)

(b) Key duties and responsibilities for requisitioners, fund certifiers, approving officials, and those obligating funds (i.e. COs or others with delegated procurement authority) must be separated among individuals. Due to local conditions, some duties may need to be provided by the same individual; however, the following conditions will always apply in the processing of a requisition:

- (1) An individual must never perform all duties;
- (2) A requisitioner may be the fund certifier for the same requisition;
- (3) The approving official and the fund certifier for any requisition must be separate individuals;
- (4) A requisitioner must not be the approving official and/or CO for the same requisition; and

(5) A CO must never be the approving official or requisitioner for the same requisition.

(c) Requisition approvers should refer to [PRISM Procurement System](#) guidance and business processes found at the [PRISM website Procurement System website](#) (FAA only).

## 8 Describing Requirements Revised 7/2007 9/2020

(a) *Technical Description.* An accurate technical description of the requirement is a critical element of a PR package and key to ensuring FAA's needs are satisfied. The ~~program official~~[requiring service organization](#) prepares, to the extent possible, a comprehensive statement of work, specifications, drawings or other description of the product, ~~or service,~~ [or real property to](#) avoid any misinterpretation by prospective vendors about [the](#) FAA's requirements. The technical description defines valid and minimum needs of the FAA, and is not written in a way that unduly restricts competition. See AMS Procurement Guidance T3.2.2.8, "Describing Needs" for additional information.

(1) *Supplies or Equipment.* For supplies or equipment, the description should cover as wide a range of commercially available and proven products as possible. It should avoid requirements for special manufacture, or requirements that may unnecessarily restrict competition. In this way, a broad competitive base will be possible, prices will be held to a minimum, and good relations with offerors will be promoted.

(2) *Services.* For services to be performed in accordance with a statement of work (SOW), the SOW addresses:

- A. What is the contractor to do?
- B. When is the contractor to perform the tasks?
- C. Who (qualifications and experience) should perform the tasks?
- D. Where are the tasks to be performed?

[\(3\) Real Property. For real property acquisitions, the requirements should address the following:](#)

[A. Special requirements and alternative solutions, where appropriate, are considered;](#)

[B. The appropriate area of geographic consideration \(i.e., delineated area\); and](#)

[C. FAA-mandated requirements, including but not limited to incorporating seismic safety, first consideration to rural areas, and sustainability/environmental/energy principles in the acquisition process, if practicable.](#)

[\(4\) Space Acquisitions. In developing requirements for space, the CO and the requiring service organization must use the guidelines from FAA Order 4665.4A Federal Aviation](#)

Administration (FAA) Administrative and Technical Space Standards. This order provides standards for the construction, reconfiguration and consolidation of administrative and technical spaces; promotes workforce mobility and workplace flexibility; and improves the Agency's space utilization rate. For space, the requiring office, at a minimum, must include the following requirements:

- A. Square footage;
- B. Type and Use of space;
- C. Space Location;
- D. Special Requirements;
- E. Number of personnel;
- F. Gender Breakdown;
- G. Parking;
- H. Delineated area; and
- I. Required Occupancy Date.

(5) Land Acquisitions. For land acquisitions, the requiring office, at a minimum, must include the following:

- A. Requirements for Improvements to the land, if any;
- B. Legal description;
- C. Title information; and
- D. Market survey/appraisal.

## **9 Independent Government Cost Estimate** Revised 10/2016 9/2020

(a) An ~~Independent Government cost-Cost estimate-Estimate~~ (IGCE) describes how much ~~the~~ FAA could reasonably expect to pay for needed supplies, ~~or~~ services, construction, or real property. The IGCE is an internal Government estimate, supported by factual or reasoned data and documentation, and serves as: (1) the basis for reserving funds for the procurement action; (2) a method for comparing cost or price proposed by offerors; and (3) an objective basis for determining price reasonableness when only one offer is received in response to a solicitation. ~~The program official~~requiring service organization prepares the IGCE.

(b) ~~For An IGCE products, services, or construction, or services, an IGCE may include~~s a breakdown of major elements of cost, by category such as labor, material, equipment, subcontracts, travel, overhead, and profit. For real property acquisitions, an IGCE may include a breakdown of costs, by category such as operating costs, real estate taxes, parking, tenant improvements, and capital improvements.

(c) An IGCE is required for any anticipated procurement action (to include modifications) whose total estimated value is \$150,000 or more, except for:

- (1) Modifications exercising priced options or providing incremental funding; or
- (2) Delivery orders for priced services or supplies under an indefinite-delivery contract, ~~or~~

~~(3) Acquisition of real property (i.e., land or space).~~

(d) The CO may require an IGCE for those procurement actions (to include modifications) anticipated to be less than \$150,000.

(e) The estimate and supporting documentation is for internal use only. It should be made available only on a need to know basis and must not be provided to any potential offeror. ~~An IGCE must not be based on information furnished by any potential vendor that may be competing for the requirement or considered for award.~~ (For additional information on IGCE, see AMS Procurement Guidance T.3.2.3.A.2 "Cost and Price Methodology" and "FAA Pricing Handbook" for detailed information about preparing an IGCE for products and services).

## 10 PR Package Clearances, Justifications and Other Documentation Revised 7/2019 9/2020

The ~~program official~~requiring service organization furnishes evidence of certain required clearances, approvals, and justifications with the PR package. This information varies, depending on the nature of the requirement, procurement strategy, and dollar value. The ~~program official~~requiring service organization should consult with the CO to determine applicability of each of the below clearances, documentation, and approvals to the particular requirement. Documentation or other evidence for the below forms part of the PR package (the below is not all inclusive nor will it apply to each procurement action):

(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 T3.2.1.4. "Chief Financial Officer Requirements" for additional information.)

(b) *Accountable Personal Property.* FAA's financial standards and annual audit require accurate recording of personal property acquisitions. Before creating a requisition in PRISM Procurement System, the ~~program official~~requiring service organization 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.

(c) *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.

(d) *Personal Property from Commercial Sources.* Before initiating a requisition to obtain personal property, ~~program officials~~requiring service organization must determine if the property is available for reuse from an FAA or other Government source, as required by FAA Order 4600.27C (September 4, 2015) and the FAA Reutilization and Disposition Process & Procedure Guide at

[https://my.faa.gov/content/dam/myfaa/org/staffoffices/afn/regions\\_center/materiel\\_personal\\_property/process/Reutilization-and-Disposition-Process-Procedures-Guide.pdf](https://my.faa.gov/content/dam/myfaa/org/staffoffices/afn/regions_center/materiel_personal_property/process/Reutilization-and-Disposition-Process-Procedures-Guide.pdf) (FAA only), dated August 2018.

(e) *Project Materiel*. Materiel for projects is requisitioned through the Logistics and Inventory System (LIS) Project Materiel Management System (PMMS).

(f) *Section 508 of the Rehabilitation Act*. Acquisition of electronic and information technology (EIT) must comply with Section 508 requirements for accessibility. The ~~program official~~requiring service organization 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](#) (FAA only).

(g) *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). The Office of Personnel Management's Position Designation Automated Tool 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.

(h) *Sensitive Unclassified Information*. The ~~program official~~requiring service organization 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.)

(i) *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).

(j) *Information Security*. The FAA must ensure that all information systems are protected from threats to integrity, availability, and confidentiality. (See FAA Order 1370.121 FAA Information Security and Privacy Program & Policy for additional information.)

(k) *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~~requiring service organization must first coordinate requirements through the FAA Information Clearance Officer (AIT-20), and then obtain clearance from Office of Management and Budget (OMB).

(l) *Privacy Act*. When a requirement involves the design, development, and/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 1370.121; FAA Information Security and Privacy Program & Policy.)

(m) *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~~requiring service organization 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.

(n) *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.

(o) *Options.* If option ~~sal quantities or services~~ are to be included, the PR package should state the basis for evaluating offeror 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.

(p) *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.

(q) *Liquidated Damages.* Before liquidated damages provisions may be included in a contract, the ~~program official~~requiring service organization must adequately justify and document the basis for amounts to be assessed.

(r) *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.)

(s) *Recovered Materials.* ~~Program officials~~Requiring service organizations are responsible for defining product specifications, utilizing FAA's minimum content standards or preference standards, when procuring EPA- designated items. The ~~program official~~requiring service organizations 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.)

(t) *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~~requiring service organization should document this determination. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

(u) *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.)~~

(v) *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.)

(w) *Single Source Justification*. When in the FAA's best interests, a single source procurement may be appropriate. The ~~program official~~requiring service organization 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.~~)

(x) *Technical Evaluation Factors/Plan*. Technical evaluation factors must be approved before issuing a solicitation. The ~~program official~~requiring service organization must provide the factors and plan for evaluating technical proposals.

(y) *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~~Requiring service organizations should consult with the FAA's EVM Focal Point (AAP-200) to determine appropriate EVMS certification, review, and reporting requirements. (See AMS "Earned Value Management Guide" for additional information.)

## 11 Simplified Purchases Revised 7/2007

(a) *Purchase Cards*. When a requisition is used as the funding document for purchase card purchases, it must contain certification of availability of funds. (See AMS Procurement Guidance T3.2.2.5, "Commercial and Simplified Purchase Method" for additional information.)

(b) *Blanket Purchase Agreement (BPA)*. A requisition may be issued for a basic BPA, but is not necessary for individual orders (termed "calls") against the BPA. One or more BPAs may be established in response to a requisition. The requisition identifies types of supplies or services to be purchased under the BPA, suggested sources of supply, estimated grand total and individual call dollar limitations, and person(s) to be authorized by the CO to make purchases. BPA calls serve as the obligating documents and a requisition will be required to issue the first call. If the BPA call is funded for a period of less than one year, a requisition for modification will be required to increase the funding.

## **12 ~~Lease or Rental Space~~Conference Space or Short Term Leases** Revised 7/2007 9/2020

(a) *Headquarters.* Requirements for short-term lease, or rental, of conference space, ~~or the long-term lease of other space (e.g., office, storage or special purpose), in commercial establishments in the Washington, D. C. metropolitan area, and requests for any GSA acquired space must be coordinated through the Headquarters Facilities Management Staff (ALO-100). The results of this coordination must be indicated on the requisition or an attachment.~~ must be coordinated with the contracting office and AGC-530. The results of this coordination must be indicated on the requisition or an attachment. Requirements for the long-term lease of other space (e.g., office, storage or special purpose), in commercial establishments in the Washington, D.C. metropolitan area, and requests for any GSA acquired space should be coordinated through APM-200.

(b) *Regions and Centers.* Requirements for short-term lease of conference space not acquired through a purchase card should be coordinated through with the ~~real property organization of the applicable Region or Center office~~ contracting office and AGC-530. The results of that coordination must be indicated in the requisition or an attachment.

(c) All conference space must comply with the standard operating procedures (SOPs) specified by the Office of Financial Analysis. (See AMS Guidance T3.2.2.4.A.5 FAA Sponsored Conferences, Seminars, Ceremonies, and Workshops).

## **13 Logistics Center Supply Support** Revised 7/2007 9/2020

Supply Support Program requirements are processed using the Logistics ~~Inventory System~~ Center Support System (LCSIS) at the FAA Logistics Center. Requisitioning through LIS, coordination, review, certification, and approval signature are completed electronically.

## **14 ~~Real Property~~** Revised 4/2009

~~a. *Real Property Responsibilities.* For the regions and centers, the Real Estate and Utilities Branch, or for Washington Headquarters, the Facilities Management Staff (ALO-100), are the primary contracting offices for the acquisition, management, and disposal of real estate, including utilities. In requests for acquisition (i.e. lease land or space), management, or disposal of real estate, or for acquisition of utilities services, the requiring office should initially contact and provide the requirements to the Real Estate Branch. For further information on submitting program office requirements to Real Estate, see AMS Policy 4.2. The requesting office will complete the requisition itself later, after cost information becomes available for its completion. Initially, cost information would not be available, and remain to be developed in consultation with the Real Estate Branch. A representative of the Real Estate Branch should be included at every stage in the real property acquisition, management, and disposal process, whether this is to make initial inquiry, to make contact with the property owner or his/her representative, to approve required audit reports, or for other steps in the process.~~

~~b. *General.* The requisition should include the name, address and telephone number of the property owner (or his/her representative), if known, and a record of any and all contacts with the owner/representative. Remember however, that contacts with owner/representative should be made only by the Real Estate Branch. As a minimum, requisitions for real property should contain the information described below, by type of requirement.~~

~~e. *Land Acquisition (Purchase or Lease).* For such acquisitions, the PR package should include information for the RECO to begin the acquisition process. Items for any new or renewal lease action include:~~

~~(1) The projected life of facility (total term requirement for real property).~~

~~(2) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive easements (e.g., 750, 1000, 1200 or 1500-foot radius; trees removed to XX feet).~~

~~(3) The legal description of the site and easements, expressed either in metes and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the Real Estate Branch.~~

~~(4) Drawings, to scale, of the property(ies) to be acquired, if available.~~

~~(5) *Clearances.* Environmental clearances, as follows:~~

~~(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and FAA Order 1050.19B, Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions. Paragraph 1-10 of FAA Order 1050.19B describes the EDDA report review and approval process. The Real Estate Contracting Officer (RECO) receives the final, signed EDDA and places a copy of the report in the real property transaction file. A copy of the EDDA report should be included in the PR package, as well as a letter of acceptance of the report signed by the requiring office Program Manager/Division Manager. When an EDDA is not required, a memorandum must be included explaining the rationale for not conducting an EDDA. If the EDDA was not conducted as a result of an EDDA waiver request, also include a copy of the EDDA waiver request form.~~

~~(b) If it has been decided to acquire a site determined to have hazardous material contamination, the PR package should include a statement of justification signed by the requiring office Program Manager/Division Manager, together with a cost/benefit analysis.~~

~~(c) A statement certifying that an analysis of environmental impacts has been accomplished according to FAA Order 1050.1E and the National Environmental Policy Act. Environmental analysis may include a Categorical Exclusion (CATEX) or Environmental Assessment (EA) which would culminate in a Finding of No~~

~~Significant Impact (FONSI) or Environmental Impact Statement (EIS).—These statements must clearly identify any environmental impact mitigation required, and the need for additional lease clauses to cover such mitigation. The environmental analysis must also identify all environmental compliance permits for the project. Examples of permit activities are: wetlands permits from the Army Corps of Engineers, land use permits, special area, water use, and other local, federal and state permits as necessary.~~

~~d. *Space Acquisition.* For space acquisitions, the PR package should include the following information for the RECO to begin the space acquisition process:~~

~~(1) The intended use of the space (e.g., AFS, FSDO).~~

~~(2) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated.~~

~~(3) Special Requirements. These include, but are not limited to:~~

~~(a) Authorized private offices;~~

~~(b) Wiring for data lines;~~

~~(c) 24-hour access/HVAC requirements;~~

~~(d) Temperature and humidity level limits;~~

~~(e) Local Area Network (LAN) rooms;~~

~~(f) Computer Based Instruction (CBI) rooms;~~

~~(g) Written examination room;~~

~~(h) Floor loads and types;~~

~~(i) Antennas attached to roof; and~~

~~(j) Special finishes.~~

~~(4) Number of parking spaces required.~~

~~(5) Recommended total lease term (base lease term plus renewal option(s)).~~

~~(6) Delineated area and map depicting the area.~~

~~e. *Space Alterations/Improvements/Repairs (AIR).* For this, the PR package should include:~~

~~(1) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and~~

~~(2) Other related items, as stated in the paragraph just preceding.~~

~~f. Construction. For construction, the PR package should include:~~

~~(1) For Real Property Interests—Land. When the lease or purchase of land is involved, include a statement that such lease or purchase has been consummated. In rare circumstances, if there is written assurance the property owner will give that real property rights, and a written right of entry to begin construction has been provided, the PR may be processed if approved by the servicing Real Estate Branch.~~

~~(2) For Real Property Interests—Space. When a servicing contracting activity, that is, the contracting office, is requested to obtain construction, modification, alteration, and/or repair to leased space or buildings, care should be taken to ensure that the Real Estate Branch is involved in such leased space actions. The PR package must:~~

~~(a) Contain a statement from the servicing real estate organization that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and~~

~~(b) Comply with all applicable requirements set forth in c (2) and (3) above.~~

~~(3) Environmental Considerations. These include a statement certifying that all current requirements for Environmental Assessment and Due Diligence Audits have been met. (See the above paragraph c (5) on environmental clearances.)~~

~~(4) Utility Requirements. When new or changed utilities, location or service is involved, state the status of obtaining utility service and the estimated date of its availability to the project.~~

~~(5) Vehicle or Pedestrian Safety. When the contract work will or may affect the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, a statement that this is the case, and an identification of the governmental body which owns the highway, road, or street. For further information, see AMS Real Estate Guidance.~~

## **15 Public Utilities** Revised 7/2007

~~a. Minimum Content. The PR package should contain information sufficient to enable the CO to determine the required type(s) of service, quantity, delivery point(s), time of initial service, service duration, and the principal characteristics of services. As a minimum, the PR package should contain the following:~~

~~(1) Technical description or specification of the type, quantity, and quality of service required;~~

~~(2) Date by which the service is required;~~

~~(3) Estimated maximum demand, monthly consumption, and annual cost for the first full 12 months of service;~~

~~(4) Schematic diagram or line drawing showing meter locations and Government connection point to utility supplier's system;~~

~~(5) Estimated cost, including: required utility services, any connection charges; and contractor installed facilities for replacement utility services; and~~

~~(6) Principal characteristics of service specifications. As a minimum, descriptions of the premises, or location to be served, in sufficient detail to clearly establish its identity by agency, function and address, as well as the service delivery point, and an attached map or drawing showing its exact location.~~

~~b. Electrical Service Specifications. The PR package should contain:~~

~~(1) Monthly kilowatt hour (kWh) demand for a typical year;~~

~~(2) Monthly kilowatt hour (kWh) consumption for a typical year;~~

~~(3) Type of current (AC or DC);~~

~~(4) Number of phases;~~

~~(5) Anticipated load factor;~~

~~(6) Substation primary and secondary voltages, and allowable variations or tolerances; and~~

~~(7) Type of metering: (1) demand and/or watt hours, (2) kilovolt amperes (kva) or kilowatts (kW).~~

~~c. Water Service Specifications. The PR package should contain:~~

~~(1) The required pressure and type(s) of water required (e.g., potable water, industrial water, classified as to extent of required filtration or chemical treatment; or raw water [river, lake, well, etc.]); and~~

~~(2) Exact location of connection with utility firm's distribution system.~~

~~d. Gas Service Specifications. These specifications should state the supplier's tariff. They should describe the desired British Thermal Unit (BTU) content, the purity, and the initial and terminal pressure limitations. They should also include:~~

- ~~(1) The estimated maximum demand per hour or per day;~~
- ~~(2) The estimated monthly usage of gas, by months, for a typical year; and~~
- ~~(3) The exact location of connection with utility firm's distribution system.~~

~~e. Sewer Service Specifications. These should specify the types of service required (e.g. sanitary with primary or secondary treatment, or raw waste disposal; industrial waste disposal; or storm water drainage). They should also include:~~

- ~~(1) The size(s) and location(s) of connections between Government and contractor systems; and~~
- ~~(2) The exact location of connection with the utility firm's distribution system.~~

**14 Reserved** Revised 09/2020

**15 Reserved** Revised 09/2020

**16476 Liquidated Damages** Added 10/2014 Revised 9/2020

- (a) Liquidated damages clauses should be used only when: (1) the time of completion, performance, or delivery is such an important factor in the award of the contract that the FAA may reasonably expect to suffer damage if the completion, performance, or delivery is delinquent; and (2) the extent or amount of actual damage sustained by the FAA would be difficult or impossible to calculate or prove. In deciding whether to include a liquidated damages clause in the SIR/contract, the procurement team should consider the probable effect of that clause on other issues such as contract price, competition, and the cost or difficulties of contract administration. The rates of liquidated damages must be reasonable and based on probable actual damages to the FAA. Liquidated damages assessed without consideration of actual costs are penalties, and are thus unenforceable.
- (b) When administering contracts that include a liquidated damages clause, the CO must take all reasonable steps to notify contractors of the pending assessment when the concern about late completion, performance, or delivery first develops. If a basis for termination for default exists, the CO must advise the contractor that it may be liable for liquidated damages assessed until the date of termination, in addition to re-procurement costs. If completion, performance, or delivery is desired after termination for default, efforts must be made to obtain completion, performance, or delivery elsewhere within a reasonable time.
- (c) *Construction.* Liquidated damages for construction contracts are assessed on a per project basis. The liquidated damages rate must be determined by the procurement team and documented by the ~~program official~~ **requiring service organization**, and must, at a minimum, cover the estimated cost of contract administration, including inspection, for each day of delay in completion. In addition, other specific losses anticipated to be incurred as a direct result of the failure of the contractor to complete the work on time must be included. Examples of specific losses are:

- (1) Additional inspection costs;
- (2) The costs of substitute facilities;
- (3) The rental of buildings; and
- (4) The costs of FAA crews, or hourly paid contract employees, forced on standby.

When different completion dates are specified in the contract for separate parts or stages of the work (i.e., milestones), the CO may revise the liquidated damages clause to state the amount of liquidated damages for the late completion of each milestone. Separate calculation and documentation of the estimated damages must be developed for each amount specified with a differing basis.

- (d) The ~~program official~~requiring service organization must document the basis for the assessment rate for liquidated damages. This documentation must describe the assumptions, data, and formula used to derive the rate of assessment.

### **17587 Returning a Deficient PR Package** Revised 10/2014 9/2020

- (a) The CO may return a deficient PR package without action, or stop work on a pending PR package until the ~~program official~~requiring service organization submits any needed supplemental information. Examples of reasons for returning or stopping work on a deficient PR package include:

- (1) Incomplete or conflicting information between the requisition, specifications, drawings, or other solicitation data;
- (2) Unstable requirements due to repeated technical changes to functional capability, reliability, maintainability, quality control, or testing requirements;
- (3) Failure to include the appropriate stock number or item code, facility type code, and other required data applicable to each accountable item listed; or
- (4) Missing or improper funding citation.

(5) Failure to include required environmental documentation.

(6) Failure to provide Single Source Justification or other exception documentation as described in AMS Procurement Guidance T3.2.2.4, "Single Source."

(7) Failure to obtain appropriate approvals from the Program Office for new Space Lease Requirements.

(8) Failure to provide documentation of appropriate coordination between Security, Bargaining Units, Project Management/Space Planners, CFO approvals, etc.

(b) In Washington Headquarters, the CO should return a deficient PR package by memorandum, signed by a Contracts Division branch manager, to the approver of the requisition. The memorandum should include a brief explanation of deficiencies.

(c) In Service Areas, Regions and Centers, COs should return PR packages in accordance with local procedures.

**18698 Approval of Multiple Award Procurement Programs** Revised 1/2020 9/2020

(a) *Documentation.* Before any FAA requiring service organization establishes a new multiple-award procurement program, it must document the program's benefit, administrative costs, ~~the~~ methodology of any service fees, span of use, ordering procedures, and internal oversight mechanisms.

(b) *Approval Authority.* Written approval, based on potential size, complexity, and scope of aggregate needs, is also required before an FAA organization may begin any activity to establish a multiple award procurement program, as follows:

(1) Joint Resources Council (JRC) approves any multiple award procurement program that is part of the procurement strategy for an investment program subject to JRC approval. The justification for the procurement program is described in the Integrated Strategy and Planning Document, and is approved by the JRC at the final investment decision.

(2) FAA Acquisition Executive approves any multiple award procurement program to include multiple award contracts, qualified vendors list, or blanket purchase agreement intended to satisfy recurring needs across more than one ATO service organization, ATO service area, or non-ATO ~~line of business~~service organization or staff office.

(3) Chief of the Contracting Office approves any multiple award procurement program intended to satisfy recurring needs of one ATO service organization, ATO service area, or non-ATO ~~line of business~~service organization or staff office.

(c) *Notice Requirements.* The FAA organization establishing the multiple award procurement program must send a copy of the approved justification to the Director of Acquisition and Contracting at Headquarters.

(d) *Considerations.*

(1) For multiple award contracts, the ~~program/~~requiring ~~office~~service organization must develop an IGCE during the acquisition planning phase. The ~~program/~~requiring service organization ~~office~~ may consider its procurement needs, the anticipated use of FAA lines of businesses using the multiple award contract vehicle, market trends, commercial pricing data, and other historical information in developing the overall contract estimates.

(2) In the event that program support costs for a multiple award contract program are not provided for in the awarding ~~program office's~~requiring service organization's budget, the awarding ~~program—office~~requiring service organization may require ~~program office~~service organizations or program offices that utilize the contract vehicle to pay a service fee. The service fee allows such users to proportionately share in the overall program management support costs of the contract vehicle. The service fee is determined based on the user's anticipated share of the contract services and the estimated program support costs to run the contract vehicle. The ~~program office~~requiring service organization may consider its procurement needs, market trends, and historical data in estimating the program management costs to formulate the service fee. The awarding ~~program office~~requiring service organization will establish the service fee annually post award and will adjust such fee accordingly based on contract usage and actual program support costs.

## **B Clauses**

[view contract clauses](#)

## **C Forms** Revised 7/2007

[view procurement forms](#)

**Sections Revised:**  
**3.2.1.2 A 1 – Market Research and Analysis**

Procurement Guidance - (~~7/2020~~ 9/2020)

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- [T3.2.1.2 - Market Analysis](#) Added 10/2006
    - [A Market Research and Analysis](#) Added 10/2006
      - [1 Market Research and Analysis](#) Revised ~~4/2013~~ 9/2020
        - [B Clauses](#) Added 10/2006
        - [C Forms](#) Added 10/2006
-

### T3.2.1.2 - Market Analysis Added 10/2006

#### A Market Research and Analysis Added 10/2006

##### 1 Market Research and Analysis Revised ~~4/2013~~ 9/2020

(a) Market research consists of collecting and analyzing information about vendor capabilities to satisfy FAA's requirements. This research can help discover novel or innovative acquisition solutions, determine acquisition strategies, eliminate excessively complex or unnecessary requirements, identify non-value added costs, and improve vendor's responsiveness to subsequent solicitations. Market research is performed in the early stage of procurement planning and helps shape an appropriate procurement strategy.

(b) A "market survey" is used in ~~two~~ different contexts throughout the ~~in~~ AMS. In the procurement process for products, services, and construction, it refers to any method used to survey industry to obtain information and comments, and to determine competition, capabilities, and estimate costs. For real property procurements, it refers to the process of gathering relevant information about comparable properties in a geographically delineated area and visiting specific properties in that area to determine whether the property is suitable for FAA's requirements and if the properties are competitively available. In the context of the lifecycle management process, market surveys are part of Concept and Requirements Definition, and Investment Analysis. During these lifecycle phases, market surveys provide information about the range of alternatives and market capabilities, risk, and cost of potential solutions to mission needs.

(c) For procurements not under a program with an approved Implementation Strategy and Planning Document, or Leased Spaced Analysis Document (LSAD), market analysis initiates industry or market involvement, develops and refines the procurement strategy, obtains pricing information; ~~determines~~ whether commercial items exist and; ~~determines~~ the level of competition, identifies market practices, or obtains comments on requirements.

(d) Market research is a shared responsibility between the program official and Contracting Officer (CO). It may be conducted internally within ~~to~~ the FAA; or externally. Market research may be for a one-time requirement, or as on-going surveillance to understand the marketplace for products, ~~or~~ services, construction and real property-acquired-repetitively. Examples of information gathered and analyzed include:

(1) Potential vendors and their capability to satisfy FAA's requirements;

(2) Number of vendors or properties in the marketplace, ~~business size status~~, and extent and nature of competition;

(3) Business size status;

(4) Cost information and trends;

(5) Expertise, experience, and depth of vendor personnel;

- (65) Maturity, adaptability, and complexity of current technology;
- (76) Product or service acceptability;
- (87) Availability and delivery times of products or services;
- (98) Production processes, quality assurance practices, facilities, maintenance and logistics support capabilities;
- (109) Information about product design stability, planned design enhancements, and impact on fielded products;
- (110) Vendor capability to offer beneficial functional or performance trade-offs in their products or services;
- (124) Customer references and procurement histories of other organizations for same or similar products and services, including pricing and contract performance data;
- (132) Customary contract or license agreement terms and conditions;
- (143) Practices of vendors engaged in producing, distributing, and supporting items, such as terms for warranties, buyer financing, maintenance and packaging, and marking; ~~and~~
- (154) Availability of suitable commercial or non-developmental items, or feasibility and cost of modifying commercial or non-developmental items to meet requirements; ~~and~~

(16) Information about the real property market including, but not limited to:

- A. Proximity to Delineated Area
- B. Age of Buildings
- C. Available Square Footage/Acreage
- D. Quality/Class of Space
- E. Other Tenants
- F. Security Considerations
- G. Surrounding Area (i.e. applicable zoning, commuting options, etc.)
- H. Amenities
- I. Parking
- J. Recent Sales Prices/Rental Rates
- K. Service Level (full service vs triple net, etc.)
- L. Degree of build out required and costs
- M. Tenant Improvement allowances
- N. Date of availability
- O. Interior Finishes/quality
- P. Fire Life Safety requirements

(e) The extent and depth of market research and analysis is tailored to the individual requirement, estimated dollar value of the procurement, complexity, urgency, and past experience. Market research may range from a telephone call or review of purchase histories, to formal market surveys or solicitations requesting information. Techniques for market research include:

- (1) Contacting knowledgeable individuals in Government and industry about market capabilities;
- (2) Reviewing the results of recent market research into similar or identical requirements;
- (3) Publishing formal requests for information in technical, scientific, business, or Government publications;
- (4) Querying on-line Government-wide databases of contracts and other procurement instruments intended for use by multiple agencies
- (5) Reviewing Government and commercial databases that provide relevant information (for real property, this may include GSA inventory, CoStar, Loopnet, Multiple Listing Service, etc.);
- (6) Participating in interactive, on-line communication among industry, acquisition personnel, and customers to exchange information about current or planned vendor capabilities as it relates to FAA needs;
- (7) Obtaining source lists of similar items from other contracting activities or agencies, trade associations or other sources;
- (8) Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or other related information available on-line;
- (9) Reviewing trade journals, directories, newspapers, and other professional publications;
- (10) Pre-solicitation conferences;
- (11) One-on-one meetings with vendors; and
- (12) Formal market surveys;

(f) Supporting data and results and conclusions derived from market research and analysis must be documented and placed in the contract file. ~~This documentation must be included within or referenced as an attachment to the written procurement plan.~~ The analysis and supporting data should be commensurate with the value, complexity, and urgency of the acquisition. In addition, a rational basis and description must be included for the market analysis methodology or technique used to obtain the data.

**B Clauses** Added 10/2006

[view contract clauses](#)

**C Forms** Added 10/2006

[view procurement forms](#)

**Sections Revised:**

**3.2.1.5 A 2 – Continuity of Mission Critical Contracts**

**3.2.1.5 D 1 – Appendix – Emergency Procurement Guide**

**Section Added:**

**3.2.1.5 A 3 – Health Related Emergency Janitorial Services**

**Procurement Guidance - (~~7/2020~~ 9/2020)**

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T3.2.1.5 - Disaster or Emergency Preparedness and Response Revised 1/2009

A Disaster or Emergency Contracting Added 10/2006

1 Local Area Set-Asides for Disaster or Emergency Added 10/2006

2 Continuity of Mission Critical Contracts Revised ~~4/2012~~ 9/2020

3 Health Related Emergency Janitorial Services Added 9/2020

B Clauses Added 10/2006

C Forms Added 10/2006

D Appendix Added 7/2007

1 Appendix - Emergency Procurement Guide Revised ~~4/2020~~ 9/2020

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### T3.2.1.5 - Disaster or Emergency Preparedness and Response Revised 1/2009

#### A Disaster or Emergency Contracting Added 10/2006

##### 1 Local Area Set-Asides for Disaster or Emergency Added 10/2006

- (a) The Contracting Officer (CO) may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. A major disaster may result in numerous Presidential declarations spanning counties in several contiguous States. The CO, in consultation with the program official, defines the specific geographic area for the local area set-aside. This set-aside area need not include all the counties in the President-declared disaster or emergency area, but cannot go outside it.
- (b) The CO may use other methods to give preference to offerors residing or doing business primarily in the area affected by a disaster or emergency to the extent practicable. For example, the CO may use the local area preference as an evaluation factor for award.
- (c) The CO may also combine a local area set-aside with a small business set-aside.
- (d) A local area set-aside does not eliminate other AMS requirements for procurement, such as competition considerations.

##### 2 Continuity of Mission Critical Contracts Revised 4/2012 9/2020

###### ~~(a)~~ General.

(1) Continuity of mission critical contracts during times of National Emergency or Incidents of National Significance, such as pandemic influenza, is required to ensure the integrity of the FAA and the National Airspace System (NAS). The program office must identify to the contracting office those contracts that are required to ensure continuity of critical supplies and services and at what level these supplies and services must be delivered. Critical contracts may include:

- (a) Support for communication infrastructure;
- (b) Supplies and services for crucial transportation support;
- (c) Supplies and services for facility security; ~~and~~
- (d) Support for emergency response activities; ~~and~~ and

(e) Supplies and services to prevent the spread of infectious diseases or hazardous contaminants.

(2) The ~~Contracting Officer (CO)~~ must include clauses ensuring that the tasks and deliverables from mission critical contracts are continued during times of National Emergency or Incidents of National Significance. This is to include a requirement for the submission of a Continuity of Contract Performance Plan to the CO, by the Contractor, that addresses how the Contractor will continue to provide supplies and services at the contracted level if a National Emergency or Incident of National Significance should occur.

(3) The Continuity of Contract Performance Plan must be reviewed and accepted by the FAA Emergency Planning Staff.

(4) If a contract is deemed non-critical by the program office, the CO ~~must~~ may suspend or stop ~~the contract performance~~ during an emergency, until it is determined conditions are favorable for a return to performance. ~~for non-critical contracts.~~

(5) Management must identify alternate COs and Contracting Officer's Representatives (CORs) on mission critical contracts ~~that who~~ can assume the roles of CO and COR, if the primary personnel are unavailable, in times of during a National Emergency or Incidents of National Significance.

~~b(b)~~ National Emergencies or Incidents of National Significance include, but are not limited to:

- (1) Outbreak of pandemic influenza or infectious disease;
- (2) Terrorist attack; or
- (3) Natural disaster.

~~e(c)~~ The Continuity of Contract Performance Plan must address:

- (1) Plans and procedures;
- (2) Identification of essential functions;
- (3) Delegations of authority, planned order of succession, and cross-training to ensure personnel are available to provide services and make key decisions;
- (4) Proposed alternate operating facilities;
- (5) Interoperable and Effective Communications;
- (6) Critical records or data;
- (7) Protection of human capital;
- (8) Testing and training of the plan;
- (9) Devolution of control and direction; and

(10) Reconstitution and resuming normal operations.

(d) Further information regarding the FAA's reaction to a National Emergency or Incident of National Significance and content of the Continuity of Contract Performance Plan can be found in the National Response Plan and the National Strategy for Pandemic Influenza Implementation Plan.

### **3 Health Related Emergency Janitorial Services** Added 09/2020

When a health-related emergency (such as an outbreak of pandemic influenza or infectious disease) occurs and is declared by the United States Department of Health and Human Services Centers for Disease Control and Prevention (CDC) or other authorized Federal, state or local government official, the CO is authorized to acquire additional cleaning supplies or services in FAA owned or leased facilities.

The changes to the janitorial services requirements must be executed through a contract modification (i.e., Supplemental Lease Agreement to change or add janitorial services that are not provided under the lease terms) consistent with CDC or other authorized Federal, state or local government guidelines to prevent the spread of communicable diseases. If the janitorial services cannot be provided through an existing contract vehicle, the CO may execute a new contract on an emergency basis. The costs of the additional janitorial requirements must be negotiated with the vendor at the time the purchase request is received by the CO. For leases, if additional services are provided, the increased costs may be included as an adjustment to the monthly rental amounts.

For FAA facilities leased through the General Services Administration (GSA), the CO must coordinate with GSA's CO to acquire additional cleaning supplies or services as a result of a health related emergency.

### **B Clauses** Added 10/2006

[view contract clauses](#)

### **C Forms** Added 10/2006

[view procurement forms](#)

### **D Appendix** Added 7/2007

## **1 Appendix - Emergency Procurement Guide** Revised 4/2020 9/2020

### **FAA Emergency Procurement Guide**

This guide is for the use of FAA personnel when responding to a bona fide emergency, incident of national significance, or aiding in disaster relief efforts. This guide supplements and summarizes

FAA Acquisition Management System (AMS); specific policy and guidance for FAA procurement is available on the FAST website.

**Emergency:** A sudden, unforeseen event that requires action to correct or to protect lives or property.

The flexibilities in this guide may be used:

1. In support of FAA contingency operations or restoration of the NAS;
2. To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States; or
3. When the President declares an incident of national significance, emergency declaration, or a major disaster declaration.

**Unauthorized Commitments: DO NOT** make commitments or promises of any kind to bind the Government if you are not a properly warranted Contracting Officer (CO) or an authorized holder of a purchase card and the requirement is within your warrant or delegation.

When purchasing goods or services in an emergency, COs and cardholders **must** ensure that applicable FAA security standards are properly addressed and adhered to.

### ***Purchase Cards***

The purchase card is a valuable tool that can be utilized to procure requirements in times of emergency. Despite the presence of an emergency situation:

Single and monthly limits established for the card account by the Chief of the Contracting Office (COCO) in the cardholder's Delegation of Purchasing Authority (DPA) must still be strictly adhered to; and

The person making the purchase must be the cardholder on the card account and have a valid DPA issued by the COCO.

### **Emergency Spending Limits**

The maximum single purchase limit that can be assigned to purchase card is \$100,000, while the maximum billing cycle or monthly limit is \$999,900. The COCO establishes both limitations based on justification and recommendations of a cardholder's approving official. If a cardholder is designated or tasked to respond to emergencies or participate in relief efforts, that individual's single and monthly limit can be raised to a level that allows for an efficient and effective emergency response.

A warranted CO can make purchases up to \$100,000 using a purchase card (if within their warrant limits); however the maximum Single Purchase Limit that may be issued to an un-warranted

cardholder is \$10,000. If a non-warranted cardholder wishes to have a single purchase limit above \$10,000 (up to the \$100,000 maximum) for emergency operations, the individual must receive written approval from the COCO.

### **Prohibited Purchases**

The following items cannot be purchased using a government purchase card:

1. Long-term rental or lease of land or buildings
2. Cash advances, including money orders
3. Telephone services controlled by the GSA or the local Office of Information Services or Regional Communications Office
4. Cellular or communication devices and services covered by the National Wireless Program Office (NWPO)
5. Gifts
6. Personal purchases or services
7. Travel-related expenses
8. Obtain Government owned or leased vehicles

### **Restricted Purchases**

1. Drinking water, except when:
  - a. A duly constituted health authority pronounces the drinking water to be unsafe for human consumption at the site;
  - b. A viable and safe water source for FAA personnel is not available on or within a reasonable distance of the worksite;
  - c. FAA personnel reasonably foresee a disaster or emergency, such as the imminent landfall of a hurricane (See AMS Procurement Guidance 3.2.2.5, [Commercial and Simplified Purchase Method](#), for additional restrictions); or
  - d. The drinking water is provided in a controlled environment to enable collections for drug use analysis for safety sensitive positions.
  - e. Food items for meetings and conventions, except as detailed in AMS Procurement Guidance T3.2.2.5.
2. Membership fees for individual employees (the agency may purchase membership in a society or association in its own name)
3. Subscriptions to publications or magazines not relating to official duties
4. Clothing (or personal apparel of any description); requirements for special type clothing necessitated by agency requires written justification from the requestor's supervisor and should be coordinated with legal counsel
5. Rental of aircraft by persons not in aircraft related positions
6. Fans, air conditioning and cooling equipment, space heaters and heating equipment, except as properly installed for general use in connection with the maintenance and operations requirements for the site.
7. Water coolers, or vacuum cleaners and other household appliances (i.e. refrigerators, microwaves, etc.), except as requisitioned for general use by, or authorized in writing for purchase by, the authorities charged with building maintenance and equipment.

8. Plaques, trophies, etc. given to employees for high quality work or special projects (See AMS Procurement Guidance T3.2.2.5 for additional information)
9. Services over \$2,500
10. Construction over \$2,000
11. Store gift cards or gift certificates (see AMS Guidance T3.2.2.5.A.4.cd.(3)).

## **Purchase Card Flexibilities**

See the *Emergency Procurement Flexibilities* section below in this guide.

## **Purchase Card Do's and Don'ts**

1. Be sure not to charge travel related expenses on the purchase card.
2. Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
3. Never allow anyone else to use your purchase card.
4. Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
5. Ensure that vendors understand that FAA is exempt from sales tax.
6. Never exceed assigned single or monthly purchase limits.
7. Never split a purchase to avoid single or monthly purchase limits.

## **Credit Card Checks**

For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

## ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc.) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

## **Blanket Purchase Agreement (BPA)**

1. If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.
2. Individuals can be identified by the CO as authorized users of the BPA and can place purchases or "calls" against it.
3. A BPA can be established with zero funding, and when needs arise it can be funded per

action or in “bulk.”

4. BPAs can be established with either local or national vendors depending on the need.
5. BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

1. If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
2. An ID/IQ contract can be established with a single or multiple vendors.
3. An ID/IQ does not have a guaranteed minimum quantity in the contract.
4. Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

1. As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
2. In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
3. Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc.), electricians, and landscape contractors (tree removal, etc.).
4. Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

1. GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available through GSA Advantage and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained.
2. GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment.
3. GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.
4. GSA FSS or GSA BPA: There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provides them in the GSA Schedule e-Library.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA):** DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists:** FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA):** DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings.

**Air Force Contract Augmentation Program (AFCAP):** This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging.

**Navy's Construction Capability (CONCAP) contract:** Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage.

**Army's Logistics Civil Augmentation Program (LOGCAP):** Provides rapid response in areas to include construction support, general logistics services, and facility engineer support.

### ***Emergency Procurement Flexibilities***

1. **Mandatory Sources:** An emergency may exempt procurements from complying with the Javits-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
2. **Single Source Procurement:** In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
3. **Public Announcement:** The requirement to synopsise or publicly announce procurements over \$1500,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2.3)
4. **Walsh-Healey Public Contracts Act:** Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
5. **Purchase Card:** See section *Purchase Cards*.
6. **Credit Card Checks:** See section *Purchase Cards*.
7. **Letter contracts:** If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)
8. **Verbal Authorization:** A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)
9. **Oral Solicitations and Quotations:** Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the

detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:

- a. Description of requirement and RFQ number;
  - b. Rationale for use of oral quotations;
  - c. Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
  - d. Best value determination.
10. System for Award Management (SAM): Contractors do not have to be registered in SAM before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
  11. Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
  12. Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
  13. Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
  14. Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
  15. Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)

**Section Added:**

**3.2.2.8 A 8 – Statement of Requirements for Real Property**

Procurement Guidance - (~~7/2020~~ 9/2020)

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T3.2.2.8 - Describing FAA Needs Revised 10/2006

A Describing Needs

1 Product Description Revised 10/2006

2 Types of Specification Revised 10/2018

3 Standards Revised 10/2006

4 Commercial Descriptions Revised 10/2006

5 Brand Name Added 10/2006

6 Statement of Work Revised 10/2006

7 Statement of Objectives Added 10/2006

8 Statement of Requirements for Real Property Added 09/2020

B Clauses

C Forms

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### T3.2.2.8 - Describing FAA Needs Revised 10/2006

#### A Describing Needs

##### 1 Product Description Revised 10/2006

a. Product description is a generic term for documents, such as specifications, standards, voluntary standards, commercial item descriptions, or statements of work, that describe FAA's needs and are used for procurement purposes. The program official prepares the appropriate type(s) of product description based on the specific need to be obtained.

b. A product description should:

- (1) Be accurate, clear, and concise;
- (2) Reflect minimum needs;
- (3) Not include overly restrictive requirements that would inhibit competition;
- (34) Have measurable delivery, performance, objectives, or outputs;
- (45) Encourage use of commercially-available items, when appropriate;
- (56) Specify environmentally sound, and energy and water efficient products and services, and reduce or eliminate hazardous materials and wastes;
- (67) Use metric measurements or a dual (metric/inch-pound) system of dimensions, when practical; and
- (78) Use voluntary standards when possible.

##### 2 Types of Specifications Revised 10/2018

a. A specification describes physical, functional, or performance requirements of a material, product, system, data, or service, and includes criteria for determining whether or not the requirements are met. Types of specifications include:

- (1) *Performance specification* that describes a product in terms of form, fit and function, and interface or interoperability requirements. "Form" describes the general constraints placed on the product; "fit" describes how the product must be compatible with related or existing products; and "function" describes what the product must do.
- (2) *Design specification* that describes a product in terms of its detailed form or composition, such as specific materials, dimensions, design concepts, drawings, and manufacturing

processes. This type of specification requires a product to meet all aspects of the design requirements and vendors cannot substitute their own design preference.

(3) *Hybrid specification* that combines design and performance specifications.

b. Performance specifications are generally preferred. Specifications may be coupled with a statement of work (SOW) to fully define all work requirements. (See the SOW and DID Library in FAST for possible SOW templates.)

### **3 Standards** Revised 10/2006

a. Standards establish uniform engineering and technical limitations and applications of items, materials, processes, methods, designs, and engineering practices. It includes any related criteria deemed essential to achieve the highest degree of uniformity in materials or products, or interchangeability of parts used in those products.

b. A voluntary standard (non-Government standard) is established by a private sector association, organization, or technical society, and available for public use; the term does not include private standards of individual firms.

c. Product descriptions citing standards and specifications should identify each document by number, title, approval date and revision number. When appropriate, the program official should tailor Government standards and specifications to eliminate unnecessary or non-value added portions of the standard or specification.

d. ATO System Engineering organization maintains FAA standards and system specifications applicable to National Airspace System equipment. Also, information about Federal standards, specifications, and commercial item descriptions is available on the General Services Administration website, the Department of Defense Single Stock Point website, and the National Institute of Technology and Standards website.

### **4 Commercial Descriptions** Revised 10/2006

a. Commercial item descriptions describe functional or performance characteristics of an item and include industry standards, manufacturer's standards, and standard grades.

b. The FAA should use commercial products and services when possible. Consistent with this emphasis, product descriptions that describe voluntary commercial standards or use commercial item descriptions are preferred and will generally result in shorter delivery lead times than will use of detailed design or performance specifications.

c. The use of additional FAA specifications or testing requirements is generally not appropriate with commercial descriptions.

## **5 Brand Name** Added 10/2006

a. Brand name or equal, and brand-name mandatory, product descriptions may be used when in the FAA's best interest.

b. *Brand name or equal* descriptions identify products by brand name, make, model, or catalog number and name of the manufacturer. Brand name or equal product descriptions must include both the brand name and a description of most important physical, functional, or performance characteristics that an equal product must meet to be acceptable for award. Other products (an equal product) must have the same salient characteristics as a brand name product.

(1) The rational basis for using brand name or equal description must be documented by the program official and address:

(a) FAA's requirement in terms of specific physical, functional, or performance characteristics, and interfaces or interoperability;

(b) Unique features, functions, or characteristics of the brand name product that satisfies FAA's requirement; and

(c) Market analysis of other manufacturer's products, and a description of why other product's functions, features, performance, interfaces, or interoperability do not meet FAA's requirements.

(2) When a brand name or equal description is used, the solicitation 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.

c. *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 (see AMS Procurement Guidance T3.2.2.4 "Single Source").

## **6 Statement of Work** Revised 10/2006

a. A properly written statement of work (SOW) is critical for the FAA to communicate and acquire what it needs. An SOW describes objectives, purpose, and requirements for the work to be accomplished. When possible, an SOW avoids defining the approach ("how to") to performing the work and should rely on the marketplace to define its own solution. The degree of specificity in an SOW depends on the type and size of the project. When possible, service contracts incorporate performance-based methods to encourage contractor innovation and efficiency, and to help ensure contractors provide timely, cost effective, and quality contract performance. Also, to the extent

possible, an SOW complies with plain language requirements described in Order 1000.36, FAA Writing Standards.

b. *The 4 "W"s.* A SOW addresses who, what, when, and where of the required work, as applicable. It clearly defines expected outputs, deliverables, or objectives that can be measured. All 4 "W"s below are likely to be necessary in a service-type contract and should be included when appropriate in other types of work:

(1) What work will the contractor do?

(2) When is the work to be performed?

(3) Who should perform the work (what minimum qualifications, skills, education, and experience are needed)?

(4) Where must the work be performed?

c. *Redundancy.* The SOW should not repeat material included in other parts of the contract; e.g., general provisions, special provisions, payment, etc.. This makes a contract difficult to modify and can create ambiguity when even slightly different words are used to express the same thing in different places in the contract.

d. *Writing Style.* The SOW is written in a clear and direct style, using simplest words, phrases, and sentences, and without ambiguity so that the document will be readily understood. Indefinite or ambiguous terms, words or sentences are difficult to enforce and administer, and may be construed against the FAA.

e. *Active vs. Passive Voice.* Use direct, active sentence structure that clearly states the subject that will perform the requirement, as in the following example: "The Contractor must maintain all government property related to the contract." This sentence uses the active voice that clearly states the subject ("contractor") must perform the action ("maintain property"). The drafter should not use passive voice sentences. Passive voice implies who performs the action, as in the following example: "The government property related to the contract must be maintained." In this sentence, the subject who must maintain the property is not clearly stated, and could be interpreted as the FAA or contractor. Statements that do not directly assign an action to a subject are ambiguous, may be interpreted incorrectly, and may prevent the FAA from enforcing the rights intended in the statement.

f. *Terms/Abbreviations.* The first occurrence of new or complex terms should always be in full text. If an abbreviation will be used in further occurrences of the word, show the abbreviation in parenthesis following the first occurrence of the word.

g. *Word Selection.*

(1) *Must/Will.* The term "must" is used to specify a mandatory action from which the contractor cannot deviate. Any expression of a required action by the contractor should be stated as "the contractor must....". The word "will" is used to express declaration of future

action on the part of the FAA. (As required by FAA's plain language order 1000.36, "must" replaces the traditionally used "shall" when specifying mandatory action).

(2) Any/Either/Or. These words imply a choice that either party may make, and should be avoided.

(3) Use of Pronouns. To avoid misinterpretation, use or repeat the noun rather than substitute it with a pronoun. Pronouns can create uncertainty as to what or whom the pronoun refers to which again promotes ambiguity.

h. *Other Elements.* The SOW should be tailored to the specific need. The following sections may be included when appropriate, provided they are not addressed elsewhere:

(1) General. This section should provide a broad overview of the SOW. It could include a general description of the scope of work;

(2) If there are personnel restrictions or requirements, they should be included;

(3) Quality control requirements;

(4) Definitions. A definition section includes all special terms and phrases used in the SOW. The definitions must clearly establish what is meant so that all parties will fully understand them. Also, SOW writers should carefully review trade terms or terms considered common to the industry, and provide definitions when those terms represent "slang" or are terms used only in specific geographical or industrial areas;

(5) Government-furnished property and services. If the Government will provide any property or services for the contractor's use during performance of the contract, this section should describe what will be given. If the list is fairly extensive, make it into an exhibit referenced in this section and attached elsewhere;

(6) Contractor-furnished items. In this section, describe material and equipment that the contractor must provide. As with government furnished property, if the list is lengthy, reference it in this section and make it an exhibit attached elsewhere;

(7) Specific Work/Tasks. Work/tasks to be performed by the contractor should be included in this section;

(8) Applicable Technical Orders, Specifications, Regulations, and Manuals. This section should contain a list of applicable directives. Tell what happens when a directive changes during the life of the contract and state whether each directive is mandatory or advisory on the contractor;

(9) Delivery requirements;

(10) Packaging, packing or marking; and

(11) Technical Exhibits. Some items are too bulky to include in the main body of the SOW. These items should be included as technical exhibits.

(i) Further information about preparing an SOW is described in MIL-HDBK-245D “Preparation of Statement of Work,” available on the Department of Defense’s ASSIST website.

## **7 Statement of Objectives** Added 10/2006

a. A statement of objectives (SOO) describes basic, top level results to be achieved. An SOO provides potential vendors flexibility to develop cost effective solutions and innovative alternatives meeting the stated objectives. The SOO includes at least:

- (1) Purpose;
- (2) Scope or mission;
- (3) Period and place of performance;
- (4) Background;
- (5) Performance objectives, *i.e.*, required results; and
- (6) Any operating constraints.

b. Vendors use an SOO to propose a detailed statement of work that the FAA evaluates as part of contractor source selection. The SOO does not become part of a resulting contract. Additional information on developing an SOO is in MIL-HDBK-245D “Preparation of Statement of Work;” and in the Air Force’s “Statement of Objectives (SOO) Preparation Guide,” available on their website.

## **8 Statement of Requirements for Real Property** Added 09/2020

a. A statement of requirements describes the functional, performance, or physical requirements of the land or space that is required to meet the FAA’s real property needs.

b. A statement of requirements for real property should include but is not limited to:

- (1) Description of the site and easements, expressed either in metes and bounds or as required by local land registries.
- (2) Purpose of the real property contract.
- (3) Size and scope of land or space requirements.
- (4) Term of the real property contract.
- (5) Required Occupancy date.
- (6) Unique real property requirements.

(7) Surrounding area requirements (neighborhood, parking, amenities, and public transportation).

(8) Environmental requirements.

c. The description must promote full and open competition. Include restrictive provisions or conditions only to the extent necessary to satisfy the agency's needs or as authorized by law.

## **B Clauses**

[view contract clauses](#)

## **C Forms**

[view procurement forms](#)