



# GIVE ME 5: CONTRACTING VEHICLES

GUEST SPEAKERS:

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PILIEROMAZZA PLLC

April 5, 2018

# ABOUT WIPP

- Founded in 2001, Women Impacting Public Policy (WIPP) is a national, nonpartisan organization advocating on behalf of women entrepreneurs
- We work to strengthen women business owners' impact on our nation's public policy, create economic opportunities and forge alliances with other business organizations
- Our collective voice, including 79 women's organizations, has a powerful influence on Capitol Hill and with the Administration



# ABOUT GIVE ME 5

- National program from WIPP & American Express OPEN designed to educate women business owners on how to apply for and secure federal procurement opportunities.
- Give Me 5 works to increase the representation of Women Business Owners that win government contracts. We provide accessible business education tools to assist both new and experienced federal contractors.
- Women Business Owners could gain more than \$4 billion in annual revenues if the 5% contracting goal set by Congress was reached.





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# OVERVIEW

- Indefinite Delivery Contracts
- Basic Agreements
- Basic Ordering Agreements
- Blanket Purchase Agreements
- Federal Supply Schedules
- Government-wide Acquisition Contracts

# INDEFINITE-DELIVERY CONTRACTS

- Acquire supplies and/or services when the exact times and/or exact quantities of future deliveries are not known at time of award
- Three types:
  - Definite Quantity
  - Requirements\*
  - Indefinite-Quantity\*

\* Also known as delivery order or task-order contracts

# ADVANTAGES OF EACH TYPE

- Allow Government stocks to be maintained at minimum levels and direct shipments to users
- Flexibility in quantities and scheduling
- Ordering of supplies or services after requirements materialize
- Government's obligation is minimum quantity specified in the contract.
- Any appropriate cost or pricing arrangement



# DEFINITE-QUANTITY CONTRACTS

- Provides for delivery of a definite quantity of specific supplies or services for a fixed period, with deliveries or performance to be scheduled at designated locations upon order
- Used when it can be determined in advance that
  - A definite quantity of supplies or services will be required during the contract period and
  - The supplies or services are regularly available or will be available after a short lead time

# REQUIREMENTS CONTRACTS

- Filling all actual purchase requirements for supplies or services during a specified contract period from one contractor, with deliveries or performance to be scheduled by placing orders with the contractor
- “Realistic estimated total quantity” in the solicitation and resulting contract
- Contract should state the maximum limit of the contractor’s obligation to deliver and the Government’s obligation to order
  - Appropriate for acquiring any supplies or services when the Government anticipates recurring requirements but cannot predetermine the precise quantities of supplies or services that designated Government activities will need during a definite period
- Dollar limitations
- May permit faster deliveries when production lead time involved

# INDEFINITE-QUANTITY CONTRACTS

- Provides for an indefinite quantity, within stated limits, of supplies or services during a fixed period
  - Government places orders for individual requirements
  - Quantity limits may be stated as number of units or as dollar values
- Required minimum quantity of supplies or services
  - If ordered, contractor must furnish any additional quantities, not to exceed the stated maximum

# ORDERING UNDER INDEFINITE-DELIVERY CONTRACTS

- Clear description required
- For MACs, “fair opportunity” defined by the amount of order
- Ordering procedures differ by amount of order (micropurchase threshold, simplified acquisition threshold, and over simplified acquisition threshold)
- No protest of an order under a task-order or deliver-order contract, except for:
  - A protest on the grounds that the order increases the scope, period, or maximum value of the contract; or
  - Protests of orders in excess of \$10 million for civilian awards (including DOD awards issued off of civilian contracting vehicles), or \$25 million for DOD awards
  - Protests may only be filed with GAO

# BASIC AGREEMENTS

- Not a contract
- Written instrument of understanding, containing:
  - Contract clauses applying to future contracts between the parties during its term
  - Contemplates separate future contracts that will incorporate required and applicable clauses agreed upon in the basic agreement
- Used when a substantial number of separate contracts may be awarded to a contractor during a particular period and significant recurring negotiating problems have been experienced with the contractor

# BASIC ORDERING AGREEMENTS

- Not a contract
- Written instrument of understanding, containing
  - Terms and clauses applying to future contracts (orders) between the parties during its term
  - A description, as specific as practicable, of supplies or services to be provided
  - Methods for pricing, issuing, and delivering future orders under the basic ordering agreement
- Used to expedite contracting for uncertain requirements for supplies or services, but a substantial number of requirements for the type of supplies or services covered by the agreement is anticipated

# BLANKET PURCHASE AGREEMENTS

- “Charge Accounts”
- Wide variety of items in a broad class of supplies or services that is generally purchased, but the exact items, quantities, and delivery requirements are not known in advance and may vary considerably
- Need to provide commercial sources of supply for one or more offices or projects in a given area that do not have or need authority to purchase otherwise
- Avoid the writing of numerous purchase orders
- No existing requirements contract for the same supply or service that the contracting activity is required to use

# FEDERAL SUPPLY SCHEDULES

- Known as GSA Schedules Program or Multiple Award Schedule Program
- Administered by GSA and the VA
- Ordering Activities are all federal agencies, and many state and local governmental entities, as well, including tribal authorities
- Contractors negotiate their prices with GSA or the VA and then their pricelists are made available to all ordering activities (also posted online on the GSA eLibrary)
- Terms and conditions are incorporated into the Schedule contract, according to the Special Item Number (SIN) that is on schedule



# FSS ORDERING RULES

- Differences in ordering procedures for dollar thresholds:
  - Below Micropurchase
  - Between Micropurchase and Simplified Acquisition Threshold
  - Above Simplified Acquisition Threshold
- Also differences for orders with and without Statements of Work, and under BPA established against Schedule contract
  - Competition requirements (including evaluation criteria)
  - Documentation of award decision by agency

# GOVERNMENTWIDE CONTRACTS

- Governmentwide acquisition contract (GWAC) means a task-order or delivery-order contract for information technology established by one agency for Governmentwide use that is operated—
  - By an executive agent designated by the Office of Management and Budget; or
  - Under a delegation of procurement authority issued to GSA
- GWACs include:
  - 8(a) STARS II
  - Alliant
  - Alliant Small Business
  - VETS 2
  - Alliant 2 & Alliant 2 Small Business

# THANK YOU TO OUR SPEAKERS

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# THANK YOU FOR PARTICIPATING!

Following this call you will receive links to the podcast of this session.

For questions, please contact Lin Stuart at  
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# GET INVOLVED!

- Learn how policy can impact your business growth
- Join countless other women entrepreneurs making their voices heard at the public policy table
- Get educated! WIPP offers unlimited opportunities for you and your staff
- Receive weekly/monthly policy updates and briefings
- Network with other highly successful women entrepreneurs

[www.WIPP.ORG](http://www.WIPP.ORG)

