A Procurement Compendium

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Agenda

• The PBCA Solicitation
• Protest Forums
• The Federal Acquisition Regulation (FAR)
• The Procurement Process
• PBCA Solicitation – Key Compliance Concerns
• Government Contracts
The PBCA Solicitation

- PBCA services must be acquired in compliance with “federal procurement laws, including CICA and the FAR”. CMS Contract Management Services v. Massachusetts Housing Finance Agency, 745 F.3d 1379, 1381 (Fed.Cir. 2014)

- New solicitation(s) are due anytime

- Protests will undoubtedly occur for several reasons:
  - RFP(s) are not limited to PHAs
  - RFP(s) are limited to PHAs
  - More than one RFP - tasks divided on a National and Regional basis
  - Other inequitable/ambiguous terms
Protest Forums

Agency

GAO

COFC
The Federal Acquisition Regulation (FAR)

- Compilation of regulations and contract clauses generally apply to federal procurement
- Covers contract formation and administration
- FAR Parts 1 – 51, descriptive and prescriptive
- FAR Part 52, contract clauses, correspond to FAR Parts 2 – 51
The Procurement Process

• RFP Sections A-M and attachments
• Key Sections at C, L, and M
  • Section C – Statement of Work/description of the program and program goals as well as specifications of the work to be performed by the contractor
  • Section L – Instructions and Restrictions
  • Section M - Evaluation Factors
The Procurement Process

- **Procurement Process Before the Due Date**
  - Questions and answers
  - Pre-proposal conference
  - Amendments

- **Procurement Process After the Due Date**
  - Determination of a competitive range
  - Discussions/clarifications
  - FPRs
  - Notice of award
PBCA Solicitation – Key Compliance Concerns

• **Service Contract Labor Standards (FAR 52.222-41)**
  • Exceptions for professional, managerial and administrative – be careful to read the definitions (salary requirement)
  • Wage determinations – vary by location

• **Basic Safeguarding of Covered Contractor Information Systems (FAR 52.204-21)**
  • Protect covered contractor information systems
  • Basically all systems are covered
PBCA Solicitation – Key Compliance Concerns

• Paid Sick Leave (FAR 52.222-62)
  • Up to seven days of paid sick leave annually
  • No conflict with state laws

• Small Business Subcontracting Plans (FAR 52.219-9)
  • Requirement to track and report dollars spent on subcontractors including, small, large, WOSB, VOSB, SDVOSB, HUBZone and SDBs
  • Goals, not quotas
Government Contracts

• Mitigate risks and stay compliant
• Know the requirements – READ!
• Implement policies and audit them
• Flow down requirements to subcontractors
Thank you!

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QUESTIONS?