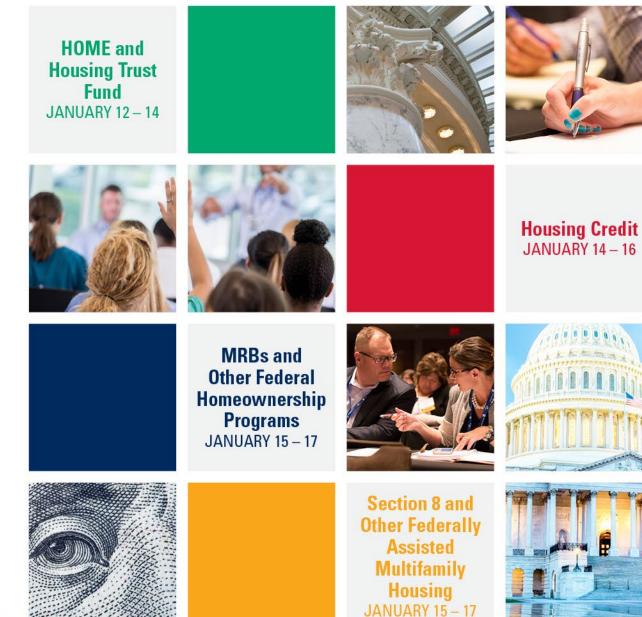
# THE HFA INSTITUTE 2020

### **A Procurement Compendium**

Presented by:

Andrew J. Mohr, Partner C. Kelly Kroll, Partner

Morris, Manning & Martin, LLP Washington, DC







National Council of State Housing Agencies







- 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**









## 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!



amohr@mmmlaw.com 202.971.4332



kkroll@mmmlaw.com 202.971.4233

To receive updates and additional information regarding Morris, Manning & Martin practice areas and events, we invite you to subscribe to our newsletter by completing the form located at mmmlaw.com/newsletter.







# **QUESTIONS?**