

IT Schedule 70 Quarterly Industry Meeting Q&A

The following questions were received during the IT Schedule 70's Quarterly Industry Meeting held on June 30, 2016.

Health IT

- **Q:** Do you have an exact date when the new Refresh will be coming out that will include the new Health IT SIN?

A: July 8, 2016

Trade Agreement Act (TAA) Compliance

- **Q:** Were the letters re: TAA emailed or sent via USPS?

A: The TAA Non-Compliance letters were sent via e-mail on June 17, 2016, as an attachment to the listed Contract Administrator with a Cc to the Authorized Negotiators. At the time, the letters were forwarded to those contracts with suspected "Made In America" misrepresentations.

- **Q:** I am interested to learn how the TAA impacts commercial satellite imagery offerings as the TAA applies to all Schedule contracts and orders, meaning that all Schedule products and services must come from the U.S. or a designated country; and often, satellite imagery comes from non-designated country providers (i.e., India).

A: GSA has Schedule contracts with companies in the U.S. and foreign designated countries. Services provided, including satellite communications and imagery data services, are worldwide. Federal Acquisition Regulation (FAR) sect. 25.402(a)(2), states that when analyzing the origin of services--to determine whether the services are of a "designated country"--the determination is made based on "the country in which the firm providing the services is established". A recent Government Accountability Office (GAO) decision confirmed that for services, country of origin is determined based on where a company is legally established, not on the location from which the service is ultimately provided.

- **Q:** How are vendors being notified of TAA non-compliance? We received a general notice via email on May 27, but haven't received anything since then.

A: If GSA determines that a product(s) listed in GSA Advantage!® may contain a TAA violation, a "First Offense" letter will be sent to contractors. The First Offense letter will ask contractors to review the Country of Origin (COO) for the items with possible TAA

violations, delete the non-compliant items if it is determined that the items do not originate in a TAA “designated country,” or update the items with the correct COO if it is determined that the item is TAA compliant, but the listed COO is inaccurate. If a vendor continues to violate the TAA, a “Repeat Offense” letter will be sent. If the TAA issue is not resolved, the price list may possibly be removed from GSA Advantage!®, or the contract canceled, depending on the scope of the TAA violations.

Transactional Data Reporting Rule (TDR)

- **Q:** Discuss the future regarding elimination of the Price Reduction Clause approach and replacing it with monthly reporting.

A: GSA has published a [final General Services Acquisition Regulation \(GSAR\) rule](#) to capture transactional data on procurements across all of its Federal Supply Schedules (FSS) contracts and government-wide indefinite-delivery, indefinite-quantity (IDIQ) contracts, including government-wide acquisition contracts (GWACs). The Transactional Data Reporting (TDR) Rule asks contractors to electronically report key procurement data including: prices paid, quantity, standard part number, and product description for all purchases through GSA contract vehicles. The rule removes tracking and reporting requirements from the price reduction clause (PRC) and commercial sales practices (CSP) for those contractors. As part of the strategic implementation of the rule across all GSA contracts, the agency will introduce the transactional data reporting requirement with a pilot of select products and services in the Multiple Award Schedules (MAS) program. This pilot will be introduced in a phased approach.

The pilot Schedules and SINs are (in rollout order) below. IT Schedule 70 is not anticipated until Fall 2016.

Schedule	Description	SINs	Offerings
58 I	Professional Audio/Video	All	Products
72	Furnishings & Floor Coverings	All	Products
03FAC	Facilities Maintenance & Management	All	Services
51V	Hardware Superstore	All	Products
75	Office Products/Supplies	All	Products
73	Food Service, Hospitality, Cleaning Equipment	All	Products
70	Information Technology	132-54 132-55	Satellite Services
		132-32	

		132-33 132-34	Software
		132-8	Hardware
00CORP	Professional Services Schedule (PSS)	Professional Engineering Services SINs	Services

The Key Objectives of TDR are to:

- Support category management and promote smarter buying
- Save money and pass on savings to the taxpayer
- Reduce contractor and contracting officer burden
- Increase transparency into federal acquisition
- Be a proactive federal partner to give our customers the information they need
- Lower barriers for businesses entering the market, which is especially important for our small business partners

Supporting MAS Transformation:

TDR supports MAS Transformation’s vision, which is to provide our stakeholders with a MAS program that addresses current market forces and provides government with a streamlined, value-based contracting solution that continues to save time and money well into the future.

Benefits:

- Transactional data reporting will provide transparency and insight into the federal and commercial marketplaces.
- The rule removes burdensome tracking and reporting supplier requirements from the price reduction clause (PRC) and commercial sales practices (CSP), when MAS contractors agree to report transactional data.
- The reduction in duplicative and inefficient procurement transactions removes barriers to entry into the federal marketplace, particularly for small businesses. The General Accountability Office (GAO) reports the costs of being on multiple contract vehicles ranged from \$10,000 to \$1,000,000 due to increased bid and proposal, and administrative costs.

Getting More Information:

For all inquiries, please email tdrteam@gsa.gov (case sensitive)

GSA posts updates on TDR implementation, the rollout schedule, and other important information like FAQ documents, on the MAS Interact page.

<https://interact.gsa.gov/groups/multiple-award-schedules>

- **Q:** What are we supposed to be reporting on a monthly basis with TDR?

A: GSA has published a [final General Services Acquisition Regulation \(GSAR\) rule](#) to capture transactional data on procurements. Transactional data refers to the information generated when the Government purchases goods or services from a vendor. The new FSS Transactional Data Reporting clause (GSAR clause 552.238-74, Alternate I), along with the corresponding changes to existing pricing disclosure requirements, will require vendors to report eleven standard data elements. Here's an excerpt of the GSAR clause you can find at the link above in the final rule:

(b) Reporting of Transactional Data. The Contractor must report all transactional data under this contract as follows:

(1) The Contractor must electronically report transactional data by utilizing the automated reporting system at an Internet Web site designated by the General Services Administration (GSA) or by uploading the data according to GSA instructions. GSA will post registration instructions and reporting procedures on the Vendor Support Center Web site, <https://vsc.gsa.gov>. The reporting system Web site address, as well as registration instructions and reporting procedures, will be provided at the time of award or inclusion of this clause in the contract.

(2) The Contractor must provide, at no additional cost to the Government, the following transactional data elements, as applicable:

(i) Contract or Blanket Purchase Agreement (BPA) Number.

(ii) Delivery/Task Order Number/Procurement Instrument Identifier (PIID).

(iii) Non Federal Entity.

(iv) Description of Deliverable.

(v) Manufacturer Name.

(vi) Manufacturer Part Number.

(vii) Unit Measure (each, hour, case, lot).

(viii) Quantity of Item Sold.

(ix) Universal Product Code.

(x) Price Paid per Unit.

(xi) Total Price

FASt Lane

- **Q:** Does FITARA agreement qualify for FASt Lane mod processing?

A: Yes, FITARA does qualify for FASt Lane. We have a current list of initiatives that qualify for FASt Lane, but we stipulate that any other customer-based initiative to include OMB initiatives such as FITARA applies as well. Please see the link and full description on our FASt Lane page: <http://www.gsa.gov/portal/content/122754>

Duel Contracting

- **Q:** Are there any programs to expedite getting a new contract after the 20 year term is up?

A: Yes. GSA updated the solicitation with SCP-FSS-001-S INSTRUCTIONS APPLICABLE TO SUCCESSFUL FSS PROGRAM CONTRACTORS (MAR 2016). Offers can be submitted per the streamlined instructions detailed under the provision provided that the contractor meets all of the following criteria (otherwise the offer must be submitted in accordance with SCP-FSS-001-N Instructions Applicable to New Offerors):

- (1) The contractor has an existing FSS program contract under this Schedule and is submitting a new offer for the same SINs.
- (2) Sales under the existing contract have averaged a minimum of \$25,000 per year for the previous five years of reported sales.
- (3) There is a demonstrated pattern of satisfactory past performance under the existing contract.

GSA recommends that you do not wait until after 20 years to submit a new offer. This year, FAR clause 52.216-22 Indefinite Quantity was updated with “fill in” language that allows ordering activities to continue order performance and exercise order options up to five years after the schedule contract has expired. However, this does not cover BPAs. Clause A-FSS-11, Submission of Offers, was updated this year to allow existing contractors to submit a new offer at any time, eliminating the restriction on when they can be submitted. If the contractor has one or more active BPAs/orders under its existing contract then they may receive award of a new contract and allowed to overlap and run alongside the existing one, enabling them to complete existing contract work while utilizing the new contract for new business opportunities.