Keeping Your GSA Multiple Award Schedule Contract Compliant

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Agenda

- GSA Personnel
- Contract Compliance
  - Scope of Contract Compliance
  - Trade Agreements Act (TAA)
  - Sales Reporting and Industrial Funding Fee (IFF) Remittance
  - Basis of Award
  - Pricing
  - Prompt Payment Discounts
  - Minimum Sales Requirement
  - Qualified Labor
  - Administrative Concerns & Other Compliance Concerns
- Contract Assessments
GSA Personnel

- **Procurement Contracting Officer (PCO)**
  - Awards your contract
  - Approves bilateral modifications
  - PCO contact information may be found on GSA eLibrary: [https://gsaelibrary.gsa.gov](https://gsaelibrary.gsa.gov)
  - Ultimate authority over your GSA MAS contract

- **Administrative Contracting Officer (ACO)**
  - Delegated functions by the PCO
  - ACO contact information may be found at: [https://vsc.gsa.gov/tools/aco_ioa.cfm](https://vsc.gsa.gov/tools/aco_ioa.cfm)
GSA Personnel (Cont.)

- Industrial Operations Analyst (IOA)
  - Conducts contractor compliance assessments
  - Monitors sales reporting, sales adjustments and Industrial Funding Fee (IFF) remittance
  - Provides general guidance and business development support
  - IOA contact information may be found at: https://vsc.gsa.gov/tools/aco_ioa.cfm
GSA Personnel (Cont.)

- Industrial Operations Analyst (IOA) Realignment

  - In February 2017, all IOAs were realigned to FAS Acquisition Centers in support of GSA’s Category Management Initiative
  
  - IOAs are now aligned to exclusively support specific GSA Acquisition Centers with assigned contract workloads spread across the country
Virtual Assessments

- Mutually agreed upon by the IOA and contractor
- Conducted over the Internet, web conferencing, email and/or telephone
- Topics and documents required are the same as in-person meetings
- Benefits include potential cost savings to Government and contractor
Compliance Overview

GSA and Ordering Agencies
- Abide by the Federal Acquisition Regulation (FAR) and agency specific regulations
- Ordering agencies must abide by MAS contract terms & conditions
- GSA PCO has ultimate authority over the MAS contract

Contractors
- Must be in compliance with MAS contract terms & conditions and purchase/task order terms & conditions
- Remember: the GSA Schedule terms & conditions take precedent over the purchase/task order terms & conditions
Scope and Contract Compliance

- Contract items must be within the “scope” of the Schedule and approved Special Item Numbers (SINs)

- Only products and/or services awarded on your GSA Schedule pricelist may be sold IAW your contract

- “Open Market” (non-contract) items must be identified

- Expand the scope of your offerings through:
  - Modifications
  - Additional GSA Schedule contracts
  - Contractor Teaming Arrangements (CTAs)
Trade Agreements Act (TAA)

- Applies to “all” GSA MAS Contracts

- TAA compliant countries may be found under FAR 25.003

- Service Contractors are TAA compliant if they are headquartered in compliant countries

- Notify your PCO if noncompliance is determined
Sales Tracking System

- Identifies, tracks and reports GSA sales accurately and completely
- Reports all transactions within the proper period
- Retrieves data easily
- Separates Schedule sales from other Federal sales and commercial sales
Sales Reporting and Industrial Funding Fee (IFF) Remittance

- Sales reports must be submitted and IFF remitted within 30 days after the end of the quarter, NLT:
  - January 30th, April 30th, July 30th and October 30th

- $0.00 must be reported if you have no sales for the quarter

- 72A Sales Reporting System

- Do not report “open market” items and travel costs

- The IFF of 0.75% is included in your awarded pricing
GSA Reporting and Transactional Data Reporting (TDR)

- Mod. A509 – Issued JAN 2017 for PSS Contractors
- TDR Sales Reports must be submitted “monthly” at:
  - [https://tdr.gsa.gov](https://tdr.gsa.gov)
- IFF may be remitted monthly or within 30 days following the end of the quarter
- Do not report “open market” items and travel costs
- Sales adjustments are submitted by the contractor
Indicators of a Schedule Sale

- The GSA contract number is stated on the purchase/task order

- If no contract vehicle is stated on the task order “and”:
  - Same terms and conditions as your GSA contract
  - Through GSA Advantage!® or eBuy
  - Paid with the Government purchase card for contract products or services awarded on your contract
  - The pricing is at or below contract pricing
Reportable Sale Flowchart

1. Is it a sale under the GSA Multiple Award Schedule Contract?
   - Yes: Is the product or service being sold included on the current approved pricelist?
     - Yes: Is there evidence of another contracting vehicle in place?
       - Yes: GSA M.A.S. Contract Sale
         - Must be included in quarterly report
         - Contract terms and conditions (price, prompt payment, delivery etc) apply
       - No: Not a GSA MAS Contract Sale
     - No: Not a GSA MAS Contract Sale
   - No: Is the customer eligible to use the M.A.S. contract?
     - Yes: Check GSA OrderADM4800.2I if you are unsure – or the GSA’s website
     - No: Not a GSA MAS Contract Sale

Examples of other contract vehicles include:
- FAR part 12 - Other Agency Commercial Acquisitions
- FAR part 13 - Simplified Acquisitions
- FAR part 14 - Sealed Bid
- FAR part 15 - Negotiated Bid
- The buyer informs the contractor that the procurement is not a GSA M.A.S. contract sale
Note: a Government purchase card is not considered a contracting vehicle
Basis of Award

- Discount relationship with predicates your GSA pricing
  - Found on the SF 1449, Final Proposal Revision Letter, or subsequent modifications (SF 30s)

- Must be maintained to comply with the Price Reductions Clause (GSAM 552.238-75)
  - Adverse changes are referred to as “price reductions”
  - Price reductions should be reported to the PCO within 15 calendar days

- Note: The BoA and the Price Reduction Clause does not apply to TDR contractors
Pricing

- Must charge at or below your GSA Schedule price
  - Spot discounts are allowed and will not result in a price reduction

- Price increases (Economic Price Adjustments) must be approved by your PCO
  - Automatic escalations
    - Incorporated in the original contract (SF 1449) or subsequent modifications (SF 30s)
  - One-time increases
    - Incorporated via modifications (SF 30s)
  - Refer to clauses 552.216-70 and I-FSS-969
Prompt Payment Discounts

- Awarded prompt payment discount terms must be displayed on all MAS invoices.

- Electronic invoicing such as DoD’s WAWF and the VA’s OB-10 systems.

- Does not apply to Government purchase card payments.

- Terms may be included in all MAS quotations.
Minimum Sales Requirement

- Contract Sales Criteria Clause, I-FSS-639

- Requirement:
  - $25,000 in contract sales over the first 24 months
  - $25,000 for each 12 month period thereafter

- GSA may cancel the contract if it does not meet the minimum sales requirement
Administrative Concerns

- Pricelist maintenance
- Mass Modifications
- Bankruptcy
- SAM.gov
- Novation and Change of Name Agreements
Point of Contact Information Updates

- **GSA Contract**
  - Headquarters address
  - Point of Contact name, phone number, email address & office address
  - Must be updated via contract modifications using eMod

- **GSA eLibrary/GSA Advantage Company Information**
  - Verify the contract information listed is accurate
  - Telephone number, email and web address may be updated using SIP
  - Company name and address changes must process though SAM.gov
  - Note: eBuy contact info may be updated under your “profile” on GSA eBuy
Labor Qualifications

- Labor qualification review is an integral part of your assessment conducted by the IOA

- Professional Services contracts awarded with labor categories
  - Advertising & Integrated Marketing Solutions (AIMS)
  - Environmental Services (PES)
  - Financial & Business Solutions (FABS)
  - Mission Oriented Business Integrated Services (MOBIS)
Other Compliance Concerns

- Environmental attributes
- Subcontracting plans
- Delivery
- eCommerce

- GSA eLibrary/Advantage Pricelist
  - Watch for the Formatted Product Tool (FPT) mass mod in the Spring 2017
Modification Types

Contractor Initiated

Pricelist
Company Information
Legal

GSA Initiated
Mass Mods
GSA eMod Process

➢ Contractor Initiated Modification
  • Price list changes
  • Company information changes
  • Legal changes

➢ Completed at GSA’s eMod Website

➢ Requires a Digital Certificate

➢ Schedule 70 Specific Modification Instructions
  • GSA’s IT Schedule 70 Modification Guidance Package
  • Price List Modification Template
GSA Mass Modification Process

- Generally a GSA initiated modification to all Schedule 70 Contractors
- Emailed to the Contract Administrator
- Completed at GSA’s Mass Modification Website
Contractor (Compliance) Assessments

➢ Objectives

• Assess the level of compliance with your GSA Schedule contract Terms & Conditions

• Address your questions and/or concerns

• Evaluate processes and procedures

• Performed for most GSA Schedules
Assessment Frequency

- Annual Assessment vs End-of-Term Assessment

- Annually for contractors meeting established MAS reported sales thresholds
  - Focuses on Sales Tracking, Pricing, TAA, Prompt Payment Discounts and Labor Qualifications

- End-of-Term for contractors in the 4th contract year meeting established MAS reported sales thresholds
  - Covers all compliance topics in this presentation
Assessment Participants

➤ Your Company
  • GSA Contract Administrator
  • Other relevant personnel responsible for contractual functions (e.g. sales, marketing, order tracking, IFF remittance)

➤ GSA
  • Industrial Operations Analyst (IOA)
Assessment Preparation

- Initial phone call or email from IOA, followed by pre-visit confirmation email detailing requirements

- Familiarize yourself with the requirements addressed in confirmation email

- Contact IOA with any questions
Assessment Intent Notice

- Provided by your IOA prior to the Assessment

- Purpose is to eliminate any confusion between IOA Assessments and OIG Audits

- Should be reviewed, signed and returned to IOA
Recommended Documentation

- GSA Contract, including:
  - Standard Form 1449 (SF 1449)
  - Incorporated documents (e.g. Final Proposal Revision (FPR) letter, Commercial Sales Practices)

- Approved Modifications (SF 30s)

- Current approved pricelist and all previously approved versions for the period reviewed
Recommended Documentation (Cont.)

- Sales data supporting your reported sales for the quarters being reviewed
  - IOAs have access to the reported sales figures but not the supporting records

- Examples of supporting records for reported sales:
  - Accounting reports
  - Spreadsheets
  - Ledgers
  - Invoices
Recommended Documentation (Cont.)

- Purchase and/or Task Orders
  - Customers do not provide GSA copies of orders they place against GSA Schedule contracts

- Related Documentation
  - Statement of Work (SOW)
  - Quotations
  - Invoices
Recommended Documentation (Cont.)

- **Trade Agreements Act (TAA)**
  - Contractors supplying tangible products should be able to provide Country of Origin (COO) information and/or Letters of Supply.

- **Environmental Attributes**
  - Documentation supporting the use of environmental icons on GSA Advantage !® (excluding Energy Star and EPEAT).
Examples of Issues Identified During an Assessment

- Under-reported or Over-reported sales
- Out of “scope” orders
- TAA non-compliant products/services
- Price overcharges
- Non-compliant labor qualifications
- Inaccurate contact information
- Pricelist missing from GSA eLibrary
- Outdated or missing GSA Advantage® pricelist
- Missing records/documentation
- Prompt Payment Discount overcharges
Educational Resources & References

- GSA’s Vendor Support Center
- The Steps to Success: Contractor Reference Guide
- GSA Interact
- Multiple Award Schedule (MAS) Desk Reference Guide
- Who Can Order Through GSA Schedules?
- ACO/IOA Locator
- Procurement Technical Assistance Centers (PTACs)
- GSA’s Social Networking Resources, and Many Others…
Questions ???

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