

Collaborate



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Cultivate



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Maximize



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Achieve



Collaborate **For Success**

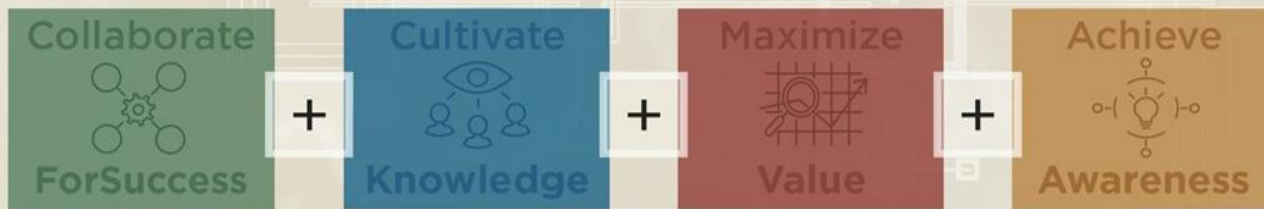
Cultivate **Knowledge**

Maximize **Value**

Achieve **Awareness**

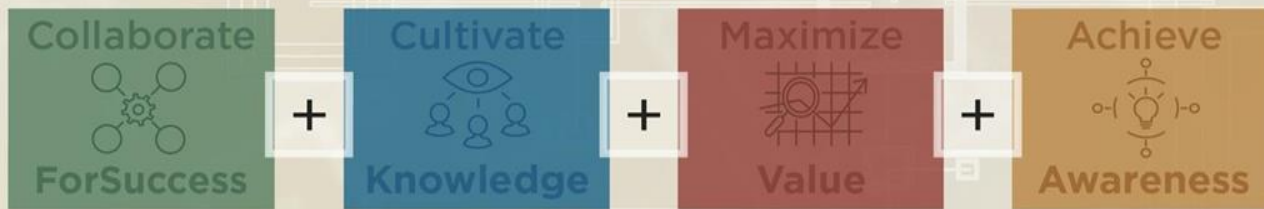
Comparing FAR 8.4, 13, and 15

Henry C. Dukes
Customer Account Manager



Learning Objectives

- Describe **FAR Subpart 8.4, Part 13, Part 15**, and how each fits into your acquisition strategy and planning
- Identify the similarities and differences between **FAR Subpart 8.4 and Part 13 procedures**
- Identify the similarities and differences between **FAR Subpart 8.4 and Part 15 procedures**
- Identify the advantages and disadvantages of using **FAR Subpart 8.4, Part 13, and Part 15**



Exploring the Federal Acquisition Regulation

➤ FAR Subpart 8.4 (Federal Supply Schedules) (FSS)

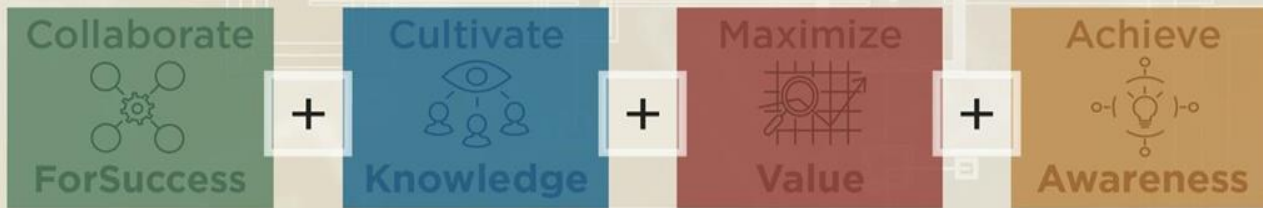
- This subpart of the FAR provides regulatory guidance for acquisition professionals when procuring via the Federal Supply Schedules.

➤ FAR Part 13 (Simplified Acquisition Procedures)

- FAR Part 13 provides regulatory guidance for acquisition professionals when procuring goods and services under the Simplified Acquisition Threshold (SAT).

➤ FAR Part 15 (Contracting by Negotiation)

- FAR Part 15 provides regulatory guidance for acquisition professionals to use when making procurements that require negotiations.



Toolkit: Webinars and Online Training

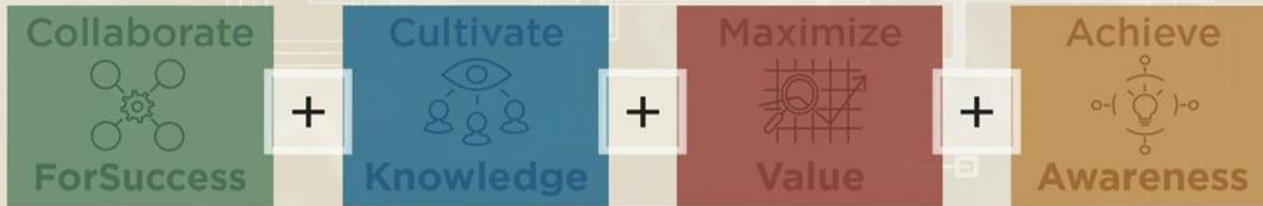
- **Monthly Webinars** sponsored by the MAS Program Office <http://interact.gsa.gov/gsa-training/webinars>
- **Training Videos** - <http://www.gsa.gov/portal/content/210517>
- **Continuous Learning Modules**
 - Federal Acquisition Institute
 - Defense Acquisition University



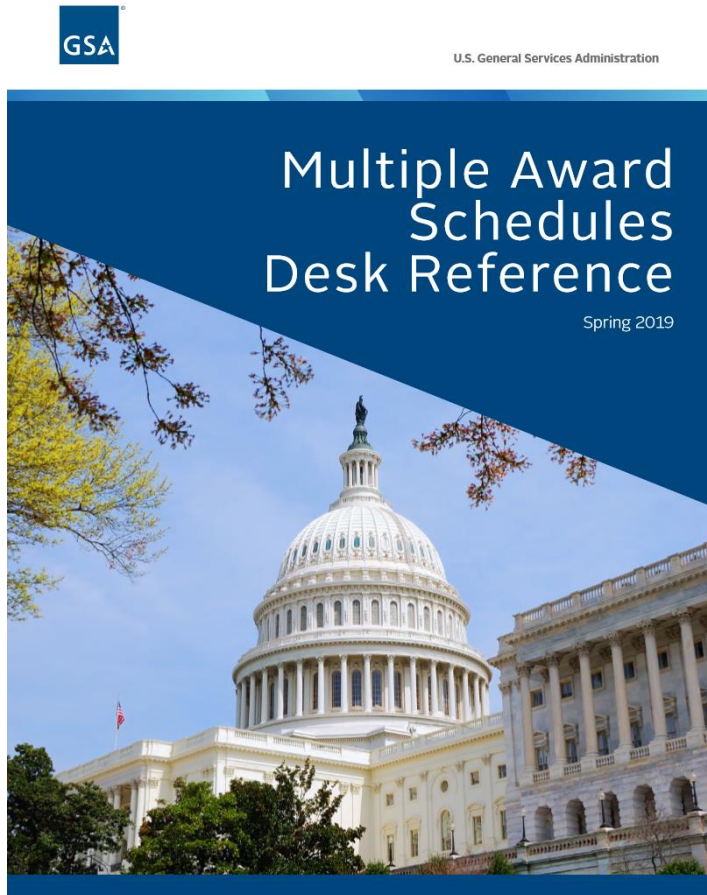
<http://icatalog.dau.mil/>

Search for continuous learning modules with FAC prefix.

Disclaimer: Links are subject to change.



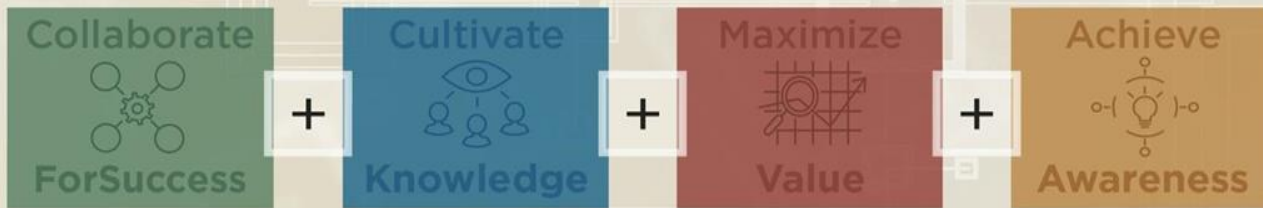
MAS Desk Reference



MAS Desk Reference

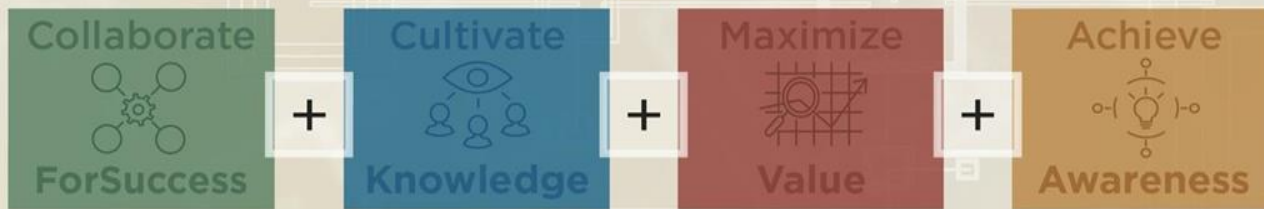
[Online](#)

or you may wish to order a printed copy.



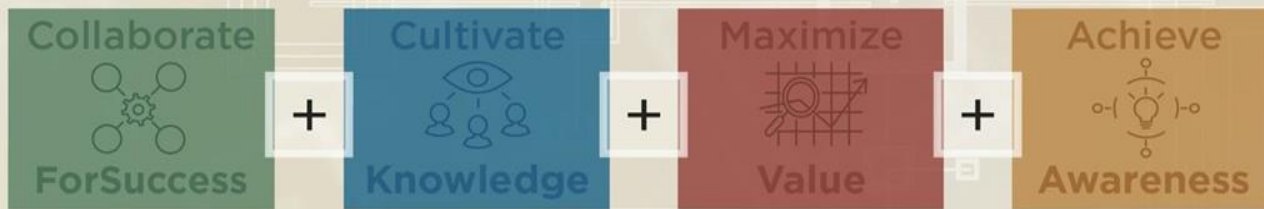
Topic 1: *Introduction to the MAS Program*

What is the MAS all about?



What is a Multiple Award Schedule?

- FAR Part 38
- Governmentwide contract vehicle for **commercial** products, services, and solutions
- Also known as “Federal Supply Schedule (FSS).”
“GSA Schedules” or “MAS”
- Standing solicitations posted on FedBizOpps
 - Awarded using FAR Part 12 procedures



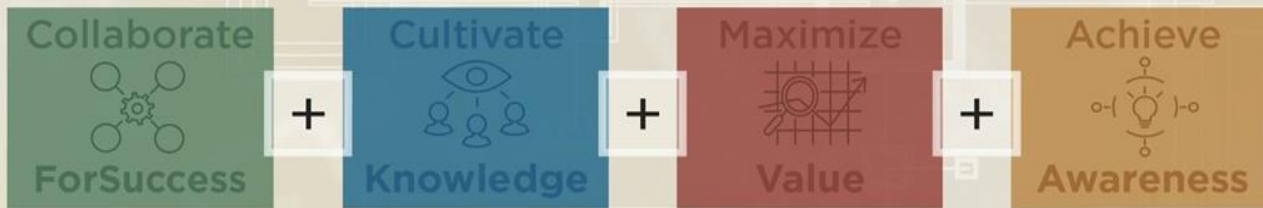
MAS Contract Characteristics?

- Multiple Award 'IDIQ'
 - *Indefinite Delivery-Indefinite Quantity*
 - 5-year award with three 5-year options
- Fair and reasonable pricing
 - Price reductions may be applied at the order level
- Performance requirements established at the task/delivery order level



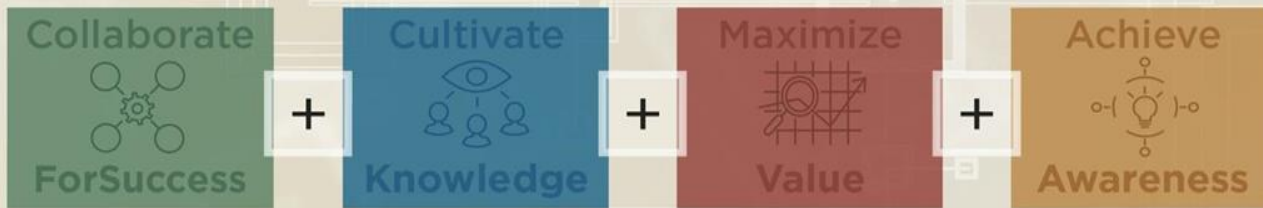
Selected FAR Parts Applicable to Schedule Orders

FAR	Title	Applicability
Part 7	Acquisition Planning	Yes
Part 10	Market Research	Yes
Subpart 17.5	Interagency Acquisitions	Yes
Subpart 33.1	Protests	Yes
Subpart 37.6	Performance Based Acquisition	Yes
Part 39	Acquisition of Information Technology	Yes



Topic 2: *An Overview*

**What does FAR Subpart 8.4,
Parts 13 and Part 15 cover?**



FAR Subpart 8.4, Part 13, and Part 15 provide strategies for satisfying the agency requirements

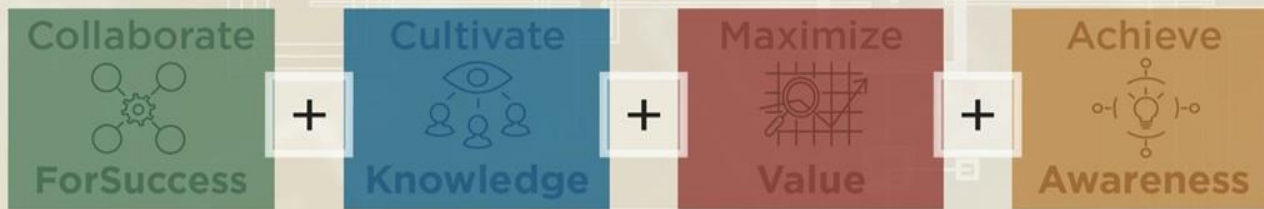
FAR Subpart 8.4	FAR Part 13	FAR Part 15
<p>Federal Supply Schedules</p>	<p>Simplified Acquisition Procedures</p>	<p>Contracting by Negotiation</p>
<p>Procedures for placing orders against Multiple Award Schedules awarded by GSA and the VA</p>	<p>Procedures for open market acquisitions not exceeding the Simplified Acquisition Threshold (\$250,000) (\$7.0 Million for commercial items- see 13.5 - SAP)</p>	<p>Procedures for open market acquisition exceeding the Simplified Acquisition Threshold</p>



What is FAR Subpart 8.4?

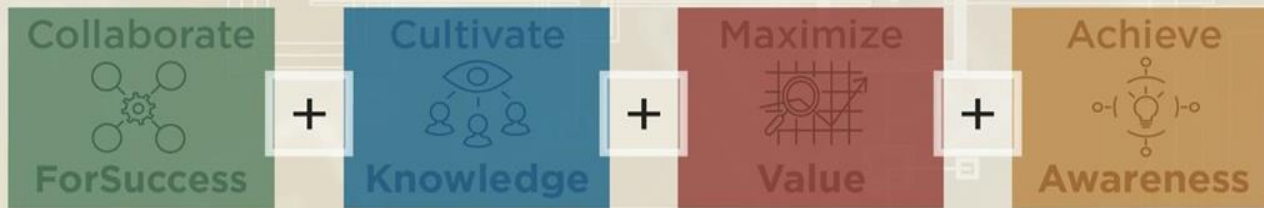
FAR Subpart 8.4 addresses the GSA Multiple Award Schedule (MAS) program, specifically:

- Simple and straightforward
- Description of the contracts
- Use and ordering procedures for supplies and services not requiring Statement of Work (SOW)
- Use and ordering procedures for services requiring SOW
- Blanket Purchase Agreements (BPAs) for repetitive buys
- Fair opportunity, required when the procurement exceeds the SAT, is a basic element of FAR Subpart 8.4



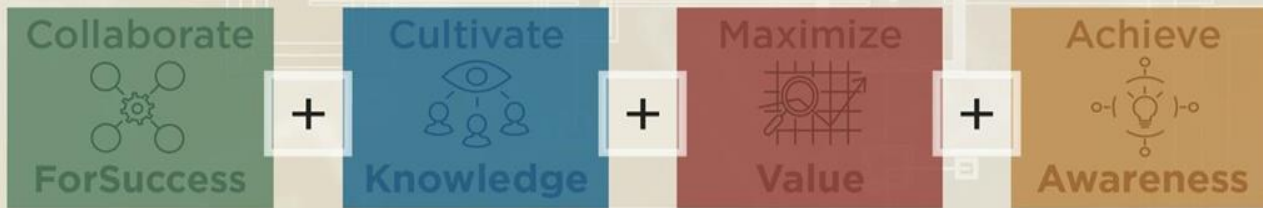
What is FAR Part 13?

- Simplified acquisition procedures can be used for acquisitions below the SAT (*noncommercial*) or up to \$7 million (*commercial*)
- Solicitation may be an oral or written RFQ
- Results in issuance of a PO, GPC transaction, or call against a Blanket Purchase Agreement (BPA)
- Generally awarded lowest price – may use tradeoffs (Technical capability and past performance)
- Items and services to be acquired are “open market,” i.e., not available from required sources of supply such as GSA Schedule contracts outlined in FAR 8.002
- Reserved for small business (under the SAT)



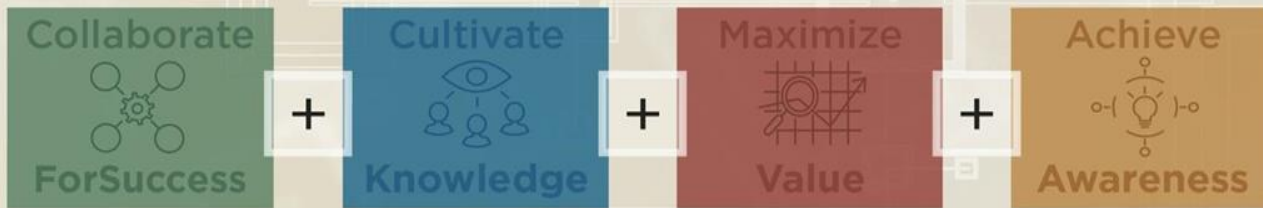
What is FAR Part 15?

- Negotiated procurements
 - Solicitation is a Request for Proposal (RFP)
 - Results in stand-alone contracts, either single or multiple awards
 - Used when sealed bidding is not suitable
 - Formal Process (mandatory timelines)
- Contains rules for source selection, including cost/technical tradeoffs
- Pricing rules and procedures
- Used when negotiations are required



Which method should I use?

FAR Subpart 8.4	FAR Part 13	FAR Part 15
Commercial products and services being solicited through the MAS program	Open market products and services under the \$7M	Open market products and services over the SAT
Sufficient number and quality of sources	Specialized goods and/or services that cannot be filled from MAS offerings (or other pre-established contracts)	Specialized goods and/or services that cannot be filled from MAS offerings (or other pre-established contracts)
Terms & conditions and allowable order types meet agency needs	Reserved for small business (set-aside)	When a cost-type or incentive contract is necessary



Topic 3:
*FAR Subpart 8.4, FAR Part 13, &
FAR Part 15*

**How does FAR Subpart 8.4
compare to FAR Parts 13 and 15?**



Procedure	Subpart 8.4	Part 13	Part 15
Commercial Item Products and services	Yes, commercial only	Yes, acquisition of supplies and services, including R&D, and commercial items, the aggregate amount of which does not exceed SAT (non-commercial), \$7 million (commercial)	Yes, as well as all other non-commercial supplies and services
CICA requirements	Yes, met at the contract level	CO must promote competition and attempt to solicit at least 3 sources when over the micro purchase threshold	CICA requirements must be met during the procurement process or properly justified
Providing for Competition	"Fair Opportunity" required; Limited Source Justification (LSJ) otherwise, see FAR 8.405-6(d)	Competition may be limited IAW FAR 13.106-1(b)(1)(i)	Full and open competition unless Justification & Approval (J&A) IAW FAR Part 6
Synopsis	No	Yes, but CO may issue a combined synopses/solicitation 12.603 for commercial items	Yes, but CO may issue a combined synopses/solicitation 12.603 for commercial items



Procedure	Subpart 8.4	Part 13	Part 15
Small Business set-asides	Discretionary; see FAR 8.405-5	Reserved for small business under SAT; see FAR 19.502-2(a)	Available; "Rule-of-Two" see FAR 19.502-2(b)
Prepare Acquisition Plan	Required if exceeds SAT; see FAR 8.404(c) and FAR 7.102(a)(4)	Formal plan not required; see FAR 7.102(b)	Yes; Formal Plan consistent with FAR Part 7
Prepare source selection plan	May be used, but not required	May be used	Yes
Fair & Reasonable Pricing	Pre-competed Schedules with fair and reasonable pricing; may seek price reductions	Price reasonableness determined by the CO; competition strongly preferred	Price reasonableness determined by the CO; competition strongly preferred
Establish evaluation criteria	Yes	Yes; see FAR 13.106-1(a)(2)	Yes; see FAR 15.304(b)
May utilize LPTA or trade-off methods	Yes	Yes, but typically LPTA	Yes



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Procedure	Subpart 8.4	Part 13	Part 15
Contract Type	Fixed Price, T&M, or LH; no cost type; see FAR 8.404(h)	Fixed Price, T&M, or LH	Full Range of Fixed or Cost Type including Incentive and Hybrid
Prepare a Solicitation	Request for Quote (RFQ); no minimum notice requirements – eBuy requires 48 hrs. min	RFQ When over \$25K, post on FedBizOpps; see FAR 13.106-1	Request for Proposal (RFP) with all required T&Cs, and 30 day notice; also requires synopsis
Solicit sources	If over SAT, solicit sufficient sources to anticipate at least 3 responses or use eBuy; no synopsis in FBO	Solicit at least 3 sources when over the micro purchase threshold; promote competition	Synopsis in FBO and provide to all interested firms; over \$25K IAW FAR Part 5
Evaluate consistent with solicitation	Yes	Yes	Yes; see FAR 15.304



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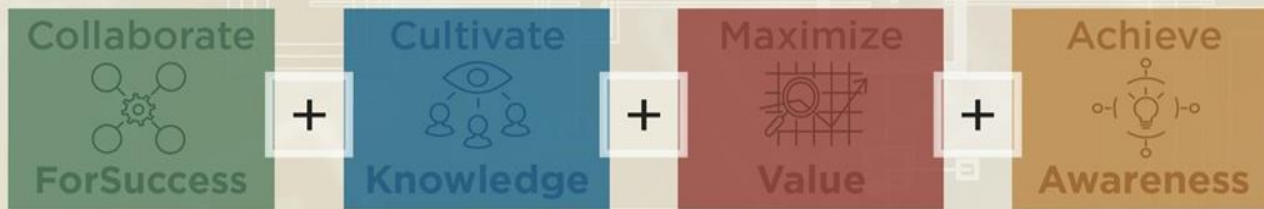
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Procedure	Subpart 8.4	Part 13	Part 15
Treat all offerors fairly	Yes	Yes	Yes
Ensure vendor's quote complies with terms and conditions of RFQ	Yes; quote may not conflict with Schedule contract terms and conditions	Yes	Yes; see FAR 15.305
Technical Evaluation	LPTA or trade-offs based upon complexity of the requirement	Typically LPTA, may utilize trade-off procedures	Based upon complexity; see FAR 15.101 - Best Value Continuum
Evaluation and source selection documentation	Yes, streamlined	Yes, streamlined	Yes; see FAR 15.304 and 15.305
Best value determination	Yes; see FAR 8.405-1(g) or 8.405-2(f) as applicable	Yes; see FAR 13.106-3	Yes; see FAR 15.406-3



Procedure	Subpart 8.4	Part 13	Part 15
Competitive Range	No	No	Yes
Source Selection Authority	CO	CO	Agency policy
Debriefings available upon request	No. May provide feedback.	Not Required. May provide feedback.	Yes. See FAR 15.505 and FAR 15.506.
Monitoring of performance - commercial items / services	Yes, usually simple inspection & acceptance	Yes, usually simple inspection & acceptance	Yes, usually simple inspection & acceptance
Monitoring of performance – complex services (even though commercial)	Yes, appoint COR especially for higher dollar value, long duration, & complexity; use a plan (QASP)	Usually not required due to the limited dollar value under SAT and short duration	Appoint COR and use a plan; may require use of monitoring tools / techniques including PM, EVM, etc.
Delivery and invoicing	IAW contractual agreement	IAW contractual agreement	IAW contractual agreement
Prompt Payment Act	Applies	Applies	Applies
Order close-out	Yes	Yes	Yes

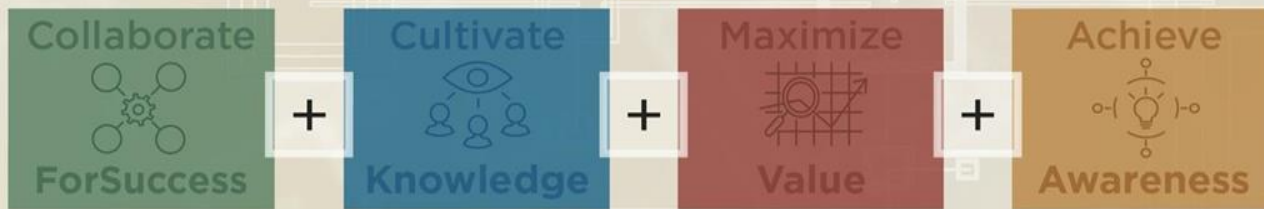


Major Differences - FAR Subpart 8.4 vs. FAR 13

Though there are several similarities between FAR Subpart 8.4 and Part 13, there are also many differences.

The major differences are in the way you:

- Plan the acquisition – Set-Asides (discretionary vs. mandatory)
- Develop and issue an RFQ; including dollar thresholds; Part 13 orders and calls under BPAs cannot exceed the SAT (see 13.303-5 and exception at FAR 13.5)
- Publish requirements (eBuy vs FedBizOpps)
- Consider a quotation under FAR Part 13 (acceptance)
- Acquire non-commercial items

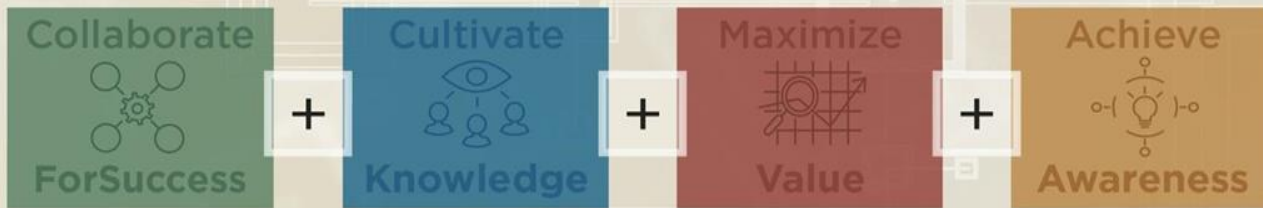


Major Differences - FAR Subpart 8.4 vs. FAR 15

There are several similarities between FAR Subpart 8.4 and Part 15.

The **major differences** are in the acquisition professional:

- **Publicizes requirements**
- **Manages competition requirements**
- **Documents the file**
 - *Subcontracting plans*
 - Representation and Certifications
 - *Determination of Responsibility*
- 8.4 Procedures are streamlined



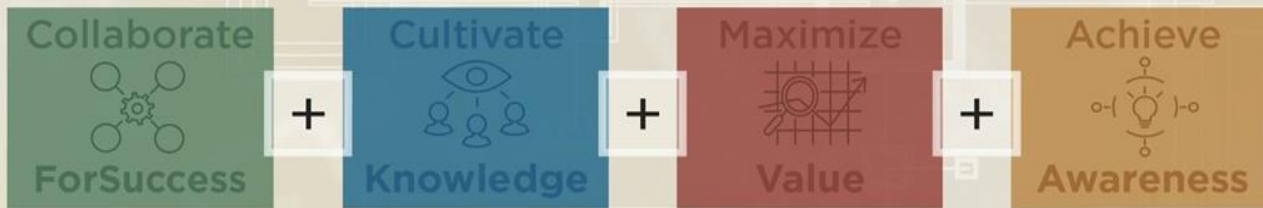
Key Points on Solicitations

FAR Subpart 8.4 (above the SAT)	FAR Part 15
Issue a Request for Quote (RFQ) – give vendors appropriate time to respond <15 days	Issue a Request for Proposals (RFP) – offerors have 30 days to submit a proposal
May seek clarifications and have communications w/Schedule contractors	Discussions allowed; may establish competitive range
Evaluate in accordance with RFQ and fairly consider all quotes	Evaluate in accordance with RFP
Request a price reduction off Schedule price	Negotiate cost or price
FAR Part 19 does not apply; discretionary set-asides allowed under FAR 8.405-5	“Rule of two” requires a set-aside per FAR 19.502-2(b)
Agencies may consider socio-economic status as an evaluation factor	All small business program options are available for use
No subcontracting plan required	Small business subcontracting plan is required for large business per the threshold



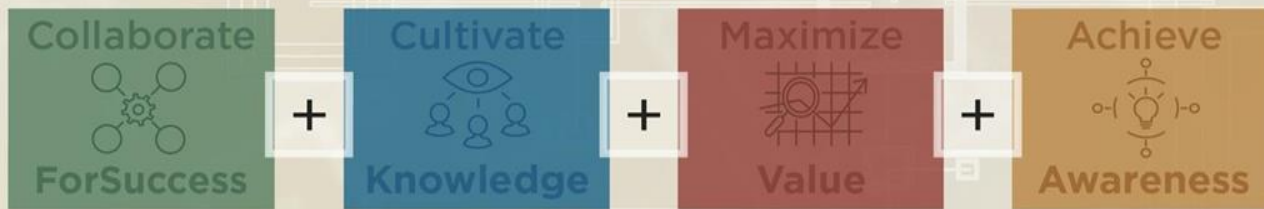
Key Points on Evaluation and Award

FAR Subpart 8.4 (above the SAT)	FAR Part 15
Contractor Teaming Arrangements (CTA) allowed (Not IAW FAR 9.6)	Joint Ventures may be allowed
Simplified evaluation criteria	More complex evaluation criteria
Evaluation Procedure streamline	Evaluation procedure structure and formal; SSP, Competitive Range, discussions
Award a task or delivery order	Award one or more stand-alone contracts
Terms and conditions of the Schedule contract apply	Terms and conditions must be included in the contract
Feedback	Debriefs



Topic 4: *Advantages of MAS*

Why should I use MAS?



Advantages of MAS Program (FAR Subpart 8.4)

➤ **Delivers Efficiency and Saves time**

- Full and open competition has already been obtained
- Small business set-asides are permissible (Part 19 does not apply)
- Publication on FedBizOpps website is not required
- Fair and reasonable prices have already been negotiated
- Terms and conditions are already in place
- Streamlined process

➤ **Socioeconomic credit**

➤ **Flexible purchase options:** orders and BPAs

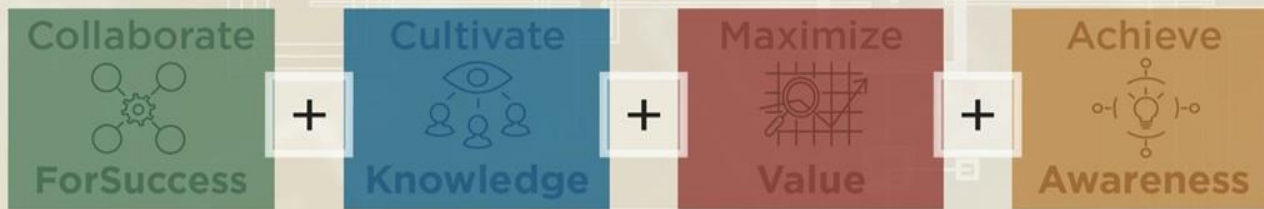
➤ Contractor teaming agreements allow for **complete solutions**

➤ **eTools available** (e.g. GSA Advantage, GSA eBuy, GSA eLibrary, and others)



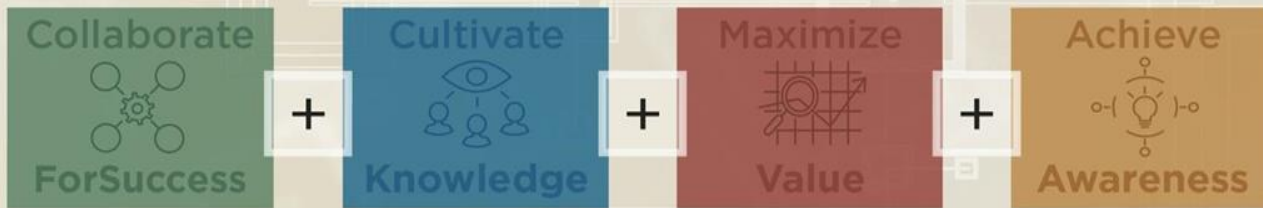
Advantages of FAR Part 13

- Combined solicitation/synopsis for commercial items under the SAT
- Fast acquisition of products and/or services, under the SAT
- Ability to set up a BPA for recurring needs
- Small business set-asides are permissible
- Evaluation procedures in Parts 14 and 15 may be used



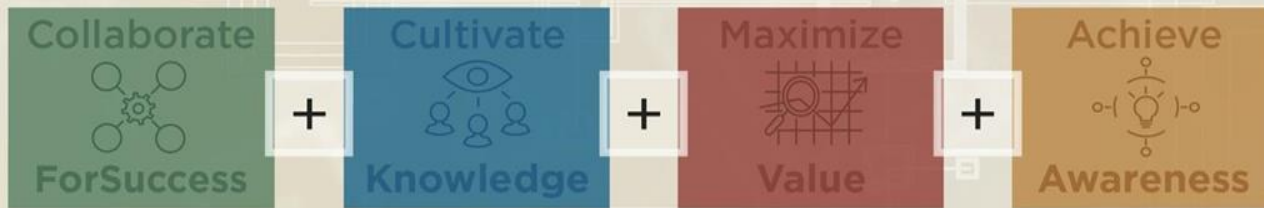
Advantages of FAR Part 15

- **Flexibility to conduct negotiations**
 - One or more competitive range decisions
 - Downselect procedures
- **Flexibility in terms and conditions**
 - Generally, any procurements permitted by FAR may be negotiated under FAR Part 15
- **Full range of contract types**



Restrictions and Limitations

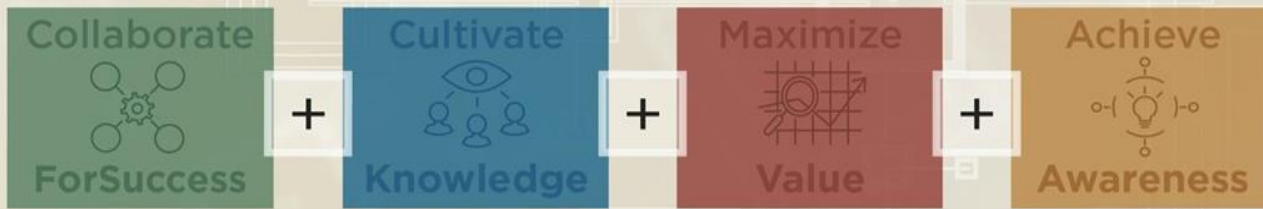
FAR Subpart 8.4	FAR 13	FAR 15
Must be fixed price, T&M or LH (no cost-type orders are allowed)	Quotations are not legally binding; agencies must wait until contractor accepts order to establish a binding contract	Time Consuming
Requirement must fit with pre-priced commercial products, tasks, and labor hours – minimal modification allowed	Orders placed against BPAs awarded under FAR Part 13 cannot exceed the SAT	Resource –intensive, Formal and structured
Must be IAW terms and conditions of the Schedule contract	Max \$7M under FAR Subpart 13.5	Best done by an experienced team
Can be protested, not likely	Low protest	More prone to protests



Web Resources

- MAS Information www.gsa.gov/masdeskreference
- Multiple Award Schedules www.gsa.gov/schedules
- eLibrary www.gsaelibrary.gsa.gov
- GSA Advantage! www.gsaadvantage.gov
- eBuy www.ebuy.gsa.gov
- MAS News www.gsa.gov/masnews
- Federal Acquisition Regulation (FAR)
<https://www.acquisition.gov/browse/index/far>
- Customer Service Director listing www.gsa.gov/csd
- OMB Max <https://max.omb.gov>
- GSA Acquisition Gateway <https://hallways.cap.gsa.gov>





Thank You for Your Interest!

