

# PROCUREMENT POLICY UPDATES



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**MANAGER**

**ACQUISITION POLICY & TRAINING SERVICE CENTER**

# New Security Procedures for Contractors



- Parity between federal & non federal employees
- Effective **1 Dec 2011** for all **new** contracts
  - Does not apply to existing contracts or options
- For unescorted routine access six months or less:
  - Employees must be fingerprinted with favorable results
- For unescorted routine access more than six months:
  - Employees must be fingerprinted with favorable results
  - All investigative paperwork submitted & questions answered
- Specific details will be provided in PWS & by CORs
- **Work cannot start until all security procedures are met!**

# EPA Vendor Communication Plan



- **EPA is committed to:**
  - Communicating early, frequently & constructively w/industry
  - Receiving input/feedback from small businesses
  - Reaching out to new vendors
  - Publishing opportunities and seeking vendor input
  - Protecting both the EPA's interests and vendor interests
  - Reducing barriers to communication
- **Senior EPA official responsible for communication:**
  - John Bashista, Director, EPA Office of Acq Management

# EPA Vendor Communication Plan



- **Efforts to Reduce Barriers to Communication:**
  - Extensive training for the EPA acquisition workforce
  - Emphasis on what can be said versus what can't
  - Frequent vendor forums
- **Vendor Input during Pre Award Phase**
  - Market Research
  - Pre-Solicitation Notices
  - Draft RFPs
  - Pre-bid Conferences/Site Visits
  - One on One Meetings
  - Debriefings

# EPA Vendor Communication Plan



- **Publicizing EPA Vendor Events**
  - Small business events synopsised on FBO
  - Advertise in Set-Aside Alert
  - Notices sent to:
    - ✦ Previous attendees
    - ✦ Anyone who has asked to be on our mailing list
    - ✦ Office of Small Business Programs Council
    - ✦ Women's Chamber of Commerce
    - ✦ US Hispanic Chamber of Commerce
  - Notices posted at [www.epa.gov/oam/forum/index.htm](http://www.epa.gov/oam/forum/index.htm)
  - Calendar of Events [www.epa.gov/osdbu/calenderofevents.htm](http://www.epa.gov/osdbu/calenderofevents.htm)

# EPA Vendor Communication Plan



- Published at [www.epa.gov/oam](http://www.epa.gov/oam)
- Living document—will be updated as necessary
- Please give us your input!

# FAR Cases Affecting Small Business



- **Women Owned Small Business (WOSB) Program**
- **8A J&As**
- **Socioeconomic Program Parity**
- **Repeal of Small Business Competitiveness Demonstration Program**
- **HUBZone Program Changes**
- **SDB Self Certification**
- **Accelerated Payments to Small Businesses**

# FAR Cases Affecting All Contractors



- Uniform Suspension and Debarment
- Sustainable Acquisition
- Clarification of Standard Form 26
- Requirements for Multiple Award Contracts
- Public Access to FAPIIS
- Notification of Employee Rights under National Labor Relations Act



# Pending FAR Cases



- **Service Contract Reporting Requirements**
- **Documenting Contractor Performance**
- **Biobased Procurements**
- **Organizational Conflicts of Interest**

# WOSB Program



- Effective April 1, 2011
- Added FAR 19.15 WOSB Program
- 5% WOSB Statutory Goal
- Agencies can Restrict Competition
  - EDWOSB if NAICs code is underrepresented
  - WOSB if NAICS code is **substantially** underrepresented

# 8A Sole Source Justification



- **Effective March 16, 2011**
- **8A Sole Source over \$20M Requires Justification**
  - **Must be in writing**
  - **Must be approved by official at FAR 6.304**
  - **Must be made public after award**

# Socioeconomic Program Parity



- Effective March 16, 2011
- No Order of Priority among 8A, HUBZone or SDVOSB
- Contracting Officers may use discretion in setting aside to any of the above categories

# Repeal of Small Bus Competitive Demonstration



- **Effective Jan 31, 2011**
- **Deletes FAR 19.10 Small Business Competitive Demonstration Program**

# HUBZone Program Revisions



- Effective Jan 12, 2011
- Must be HUBZone small business concern at time of offer **AND** time of award
- Construction--50% of cost of contract must be for HUBZone contractor employees
  - Can be Prime or Sub
  - Can be waived in some circumstances

# SDB Self Certification



- Effective Dec 13, 2010
- Subcontractors can Self Represent SDB Status
- Prime may Rely on Sub's Written Representation
- Contractor, Contracting Officer or any other Interested Party can challenge by filing a protest

# SB Accelerated Payments



- Effective Sep 14, 2011
- OMB Policy Letter M-11-32
- Small Businesses Now Paid Within 15 Days
  - Only a goal and only when practicable
  - Must receive proper documentation
  - Must verify goods or services have been received
- Does not change required payment date or interest under Prompt Payment Act



# Suspension & Debarment



- Effective Dec 13, 2010
- FAR 9.405 and 52.209-6 no longer apply to subcontracts for Commercially Available Off the Shelf Items
- For Commercial items, the requirements of 52.209-6 now only applies to first tier subs

# Sustainable Acquisition



- Effective May 31, 2011
- New FAR Subpart 23.1, Sustainable Acquisition
- 95% of New Contract Actions Must Use Products that are:
  - Energy Efficient
  - Water Efficient
  - Biobased
  - Environmentally Preferable
  - Non Ozone Depleting

# Standard Form 26 Award/Contract



- Effective May 2, 2011
- Clarifies use Of Blocks 17 & 18 of SF 26
  - Block 17 is for Negotiated Contracts
    - ✦ Requires contractors to sign and return
  - Block 18 is for Sealed Bids
    - ✦ Contractor not required to sign—offer becomes award

# Multiple Award Contracts



- Effective May 6, 2011
- FAR 8.405-1 & 8.405-2 Amended
  - Must receive 3 bids for FSS orders above SAT
- FAR 8.405-3 Amended
  - Establishes preference for multiple award BPAs under FSS
  - Establishes competition requirements for placing orders under FSS BPAs

# FAPIIS



- Effective Jan 24, 2011
- FAPIIS info now publicly available
  - Past performance reviews are excluded
- Government must post the following to FAPIIS:
  - Non-responsibility determinations
  - Terminations for default or cause
  - Defective pricing determinations
- Contractors must post the following to FAPIIS:
  - Criminal, civil and administrative proceedings for which the contractor was found at fault

# Notification of Employee Rights



- **Effective Dec 13, 2010**
- **New FAR Subpart 22.16, Notification of Employee Rights under the National Labor Relations Act**
- **Contractors & subs required to post notice of employee rights under federal labor laws**

# Proposed FAR Cases



- **Service Contracts Reporting Requirements**
  - Will create FAR 4.16, Service Contracts Inventory
  - Will create new Service Contract Reporting Portal
- **Documenting Contractor Performance**
  - CPARS govt wide with standard evaluation factors and ratings
  - EPA's new CPAR guidance effective Oct 3, 2011
- **Biobased Procurements**
  - Will require contractors to report biobased products purchased under service and constructions contracts
- **Organizations Conflicts of Interest (OCI)**
  - Revamps OCI guidance; provides standard clauses
- **Privacy Training**
  - Mandatory training for contractors that handle or access PII

# Questions

