

Governmentwide Design/Build and Construction Indefinite Delivery/Indefinite Quantity (IDIQ) Contracts for Electric Vehicle Supply Equipment (EVSE) Installation and Related Infrastructure Improvements (EVSE D/B & Construction IDIQ)

Ordering Guide



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Introduction

[Executive Order 14008](#) - Tackling the Climate Crisis at Home and Abroad issued on January 27, 2021, outlines the importance of and places significant emphasis on climate change initiatives being launched across the government. GSA has an important and active role to play in many areas including greening Federal buildings and electrifying the Federal Fleet.

[Executive Order 14057](#) - Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability issued on December 8, 2021, sets goals including 100 percent zero-emission vehicle acquisitions by 2035, which will also entail deploying zero-emission vehicle re-refueling infrastructure for the Federal Fleet.

GSA's Public Buildings Service (PBS) has issued these Electric Vehicle Supply Equipment (EVSE) design build (D/B) and construction indefinite delivery, indefinite quantity (IDIQ) contracts to support an influx of zero-emission vehicles to the Federal Fleet and provide a streamlined procurement process to support EVSE installation and related infrastructure improvements at Federal locations nationwide.

These PBS Governmentwide IDIQ contracts are established on a geographic zonal basis and are for use by any Federal Agency in both space under GSA's jurisdiction, custody, or control and non-GSA controlled space.

Who is this Guide for?

This guide is written for Ordering Contracting Officers (OCOs) and addresses contracting unique to the EVSE D/B & Construction IDIQ contracts. In addition to this guide OCOs shall follow Federal Acquisition Regulation ([FAR](#)) requirements, their agency policies, and adhere to the terms of the EVSE D/B & Construction IDIQ contract.

Information to assist GSA and customer agencies in using the EVSE D/B & Construction IDIQ contracts is available at [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#) at [GSA's "one-stop shop" for Fleet Electrification](#).

Who Can Use the EVSE D/B & Construction IDIQ contracts?

For purposes of the EVSE D/B & Construction IDIQ contracts, authorized users are identified as OCOs. OCOs are:

- Warranted GSA PBS Contracting Officers, within the limitations of their warrant authority or
- Other warranted Federal Contracting Officers, within the limitations of their warrant authority, who have been granted a Delegation of Procurement Authority (DPA) to place orders under the EVSE D/B & Construction IDIQ contracts.

The EVSE D/B & Construction IDIQ contracts may be used by GSA and all other Federal agencies.



This ordering guide presumes that OCOs are proficient in their duties, with a working knowledge of all applicable Federal regulations, executive orders, and agency policies.

How to Begin Using EVSE D/B & Construction IDIQ?

To solicit and place a task order under the EVSE D/B & Construction IDIQ, the OCO must be

- A warranted GSA PBS Contracting Officer or
- Other warranted Federal Contracting Officers who have been granted a DPA to place orders under the EVSE D/B & Construction IDIQ contracts. To receive a DPA:
 1. Ordering agency provides a service charge Reimbursable Work Authorization (RWA) of \$1,625 for each DPA
 2. DPA requestor reviews this Ordering Guide and any supplemental training materials
 3. DPA requestor completes the DPA Request Form

Please see [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#) for additional details.

DPAs are issued to individual Contracting Officers, not agencies at large and there is no limit to the number issued within an agency.

Roles and Responsibilities

OCO's have the authority to solicit, award, and administer task orders against the EVSE contracts.

OCO's may not transfer the DPA to a non-delegated Contracting Officer.

OCO responsibilities include, but are not limited to:

- Request and receive a DPA prior to soliciting an EVSE task order (not applicable to GSA PBS Contracting Officers)
- Adhere to responsibilities defined in the EVSE DPA (not applicable to GSA PBS Contracting Officers)
- Comply with the [FAR](#) and applicable agency regulatory supplements, exceptions, statutes, and policies
- Comply with EVSE master IDIQ contract terms and conditions
- Identify and evaluate potential organizational conflicts of interest (OCIs); and avoid, neutralize, or mitigate significant potential conflicts before task order award (see [FAR 9.5](#))
- Comply with the ordering procedures outlined in [FAR 16.505](#)
- Comply with Inherently Governmental Functions regulations as outlined in [FAR 7.503](#)
- Ensure task order scope adherence to EVSE master IDIQ contract scope
- Issue task order solicitations under the proper EVSE Geographic Zone
- Allow a reasonable time for fair opportunity proposal submission
- Certify funds availability and allocate funds for requirements
- Enter past performance information into CPARS as outlined in [FAR 42.15](#)

- Resolve any performance issues, disputes, claims or protests at the task order level
- Respond to all Freedom of Information Act (FOIA) requests at the task order level
- Close out task orders in a timely manner

EVSE D/B & Construction IDIQ CO

The EVSE D/B & Construction IDIQ CO is the sole and exclusive GSA Government official with authority to administer and modify the EVSE D/B & Construction IDIQ contracts' terms and conditions and monitor contractor performance in the areas of master contract compliance and contract administration. The EVSE D/B & Construction IDIQ CO may be contacted at pbs-ev-idiq@gsa.gov.

Contracting Officer's Representative (COR)

The OCO for each task order may designate a Contracting Officer's Representative (COR) to perform specific administrative or technical functions. The specific authority, limitations, and responsibilities of the COR for each task order shall be described in an appointment letter, a copy of which should be provided to the contractor. Unless expressly stated by the OCO, and in accordance with agency procedures, a COR has no actual, apparent, or implied authority to bind the Government.

Benefits of using the EVSE D/B & Construction IDIQ Contracts

The EVSE D/B & Construction IDIQ contracts are innovative, flexible, and easy to use. Some key benefits of using the EVSE D/B & Construction IDIQ contracts include:

- ✓ OCOs may:
 - ✓ Use pre-priced IDIQ line items and/or add order-specific line items
 - ✓ Tailor Contract Line Item Number (CLIN) structure to individual task order requirements to include optional CLINs
 - ✓ Determine evaluation criteria, method of award, terms and conditions, and/or task order specific provisions and clauses (As long as they do not conflict with the terms, conditions, and clauses of the EVSE D/B & Construction IDIQ)
 - ✓ Exercise broad discretion in developing appropriate order procedure and keep submission requirements to a minimum
- ✓ Assist agencies to achieve small business and socio-economic prime contracting goals
- ✓ Assist agencies to achieve Spend Under Management (SUM) goals, spend under EVSE D/B & Construction IDIQs is SUM Tier 2
- ✓ IDIQ contracts include a process for IDIQ contractors to acquire EVSE directly from GSA Federal Acquisition Service's EVSE [Blanket Purchase Agreements \(BPAs\)](#)
- ✓ IDIQ contract holders responsibility determinations have been completed in accordance with [FAR Part 9](#)
- ✓ All required [FAR matrix clauses](#) automatically flow down to each task order
- ✓ Congressional notifications are not required for task orders (unless required by your agency)
- ✓ Source selection procedures found in [FAR 15.3](#) are not applicable to task orders
- ✓ In general, the OCO does not synopsise orders under indefinite-delivery contracts; except see FAR 16.505(a)(4) and (11), and FAR 16.505(b)(2)(ii)(D).
- ✓ Establishing a formal competitive range is not required
- ✓ Formal evaluation plans or scoring of quotes or offers are not required

- ✓ No protests for in-scope task orders ≤ \$10 million (\$25 million for DoD, NASA, or the Coast Guard) [FAR 16.505\(a\)\(10\)\(i\)\(B\)](#)

Ordering Paths for EVSE D/B & Construction IDIQ contracts

ORDERING PATH 1	ORDERING PATH 2	ORDERING PATH 3
FULL SERVICE	SELF-SERVICE	ACQUISITION SUPPORT
<ul style="list-style-type: none"> → PBS provides full acquisition and project management support to award, administer and close out the task order and manage the task order project → This ordering path uses PBS' standard Reimbursable Work Authorization (RWA) process 	<ul style="list-style-type: none"> → Ordering agency awards the task order → The ordering agency provides full acquisition and project management support to award, administer and close out the task order and manage the task order project → Ordering agency OCOs must have a Delegation of Procurement Authority (DPA) to place task orders under the EVSE D/B IDIQ contract → Ordering agencies must provide a service charge RWA per DPA 	<ul style="list-style-type: none"> → PBS provides acquisition support to award, administer and close out the task order → Requirements agency provides project management, including a Contracting Officer's Representative (COR) to manage the task order project → This ordering path uses PBS' standard Reimbursable Work Authorization (RWA) process
GSA controlled space & non-GSA controlled space	Non-GSA controlled space	Non-GSA controlled space

For more information about RWAs, please visit [Reimbursable Services \(RS\) Program](#)

For more information about these ordering paths, please visit [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#)

For project support or questions, please contact pbs-evse-solutions@gsa.gov.

EVSE D/B & Construction IDIQ Scope

These EVSE D/B & Construction IDIQ contracts may be used to support EVSE installation and related infrastructure improvements at Federal locations nationwide.

These construction and design-build IDIQ contracts include architectural, engineering, construction, and other related services necessary to design and construct EVSE infrastructure improvements and installation.

Related services include, but are not limited to, feasibility studies, site assessments, site planning, utility coordination, relocation & connections, permitting, testing and inspection during construction, commissioning, and supporting the transition from construction to operations.

Construction and design-build services consist of interior and exterior building construction, and repair and alterations, including but not limited to: electrical, plumbing, mechanical, architectural, landscaping, exterior renovations, demolition services, abatement services (e.g., asbestos, lead, mold, and polychlorinated biphenyls, earthwork, pavement repair, and other miscellaneous work).

The work to be performed under the terms of these IDIQ contracts includes, but is not limited to: installation or modification of electrical service feeds, switchgear, switchboards, panelboards, transformers, conduit, cabling; trenching, coring, road surfaces such as asphalt, concrete and other types of pavement; renovations, site work, signage, new construction, wall partition construction; HVAC ductwork modification and install; lighting installation and modification; modification of existing building fire sprinkler and fire alarm systems; and other such related work which would be outlined in Task Order and job drawings.

Task Orders may include requirements for feasibility studies/site assessments only.

Task Orders may include requirements for construction and/or design-build services.

Out-of-Scope Services

All EVSE D/B & Construction IDIQ Task Orders must be within the scope of EVSE D/B & Construction IDIQ contracts. Review the Statement of Work located in the resource section below for a complete description of the scope.

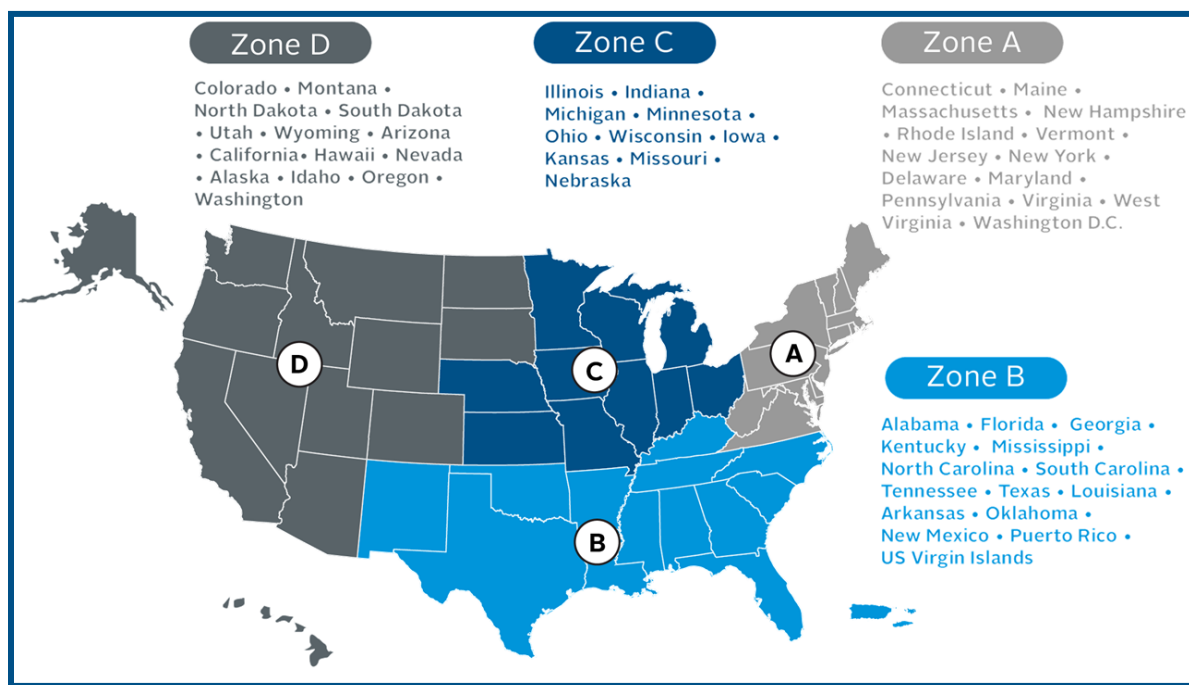
The following requirements are prohibited under the EVSE D/B & Construction IDIQ contracts:

- Inherently Governmental Functions – See the prohibition at [FAR 7.503\(a\)](#) and [Office of Federal Procurement Policy \(OFPP\) Policy Letter 11-01](#)
- Personal services contracts – [FAR 37.104\(a\)](#)
- Stand-alone architect-engineer design services

EVSE D/B & Construction IDIQ Contract Holders

The PBS Governmentwide IDIQ contracts include four (4) multiple-award Geographic Zones. The NAICS code is 236220, Commercial and Institutional Building Construction. All of the EVSE D/B & Construction IDIQ contracts have been set-aside for small businesses. The list of EVSE D/B & Construction IDIQ contract holders and their socio-economic status under each Geographic Zone is available on [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#).

The Geographic Zones are as follows:



The Ordering Process

The EVSE D/B & Construction IDIQs are multiple-award indefinite delivery, indefinite quantity contracts. When using EVSE D/B & Construction IDIQ contracts, OCOs must follow [FAR 16.505](#) ordering procedures.

Step 1: Acquisition Planning

Orders under EVSE D/B & Construction IDIQ require Acquisition Planning and should begin as soon as the agency need is identified. All task orders must be funded by the ordering/receiving agency with the requirement. Follow the applicable instructions in [FAR Part 7](#) together with the OCO agency's procedures.

Orders under EVSE D/B & Construction IDIQ contracts -

- Are not exempt from the development of acquisition plans (see [FAR 7.1](#)), and an information technology acquisition strategy (see [FAR 39](#));
- May not be used to circumvent conditions and limitations imposed on the use of funds (see [31 U.S.C.1501\(a\)\(1\)](#))
- Shall comply with all [FAR](#) requirements for a consolidated or bundled contract when the order meets the definition at [FAR 2.101\(b\)](#) of "consolidation" or "bundling".

OCOs are encouraged to issue Requests for Information (RFI), draft solicitations, and other documents to EVSE D/B & Construction IDIQ contract holders as part of their market research efforts.

Geographic Zone to Use?

For each Task Order, the OCO will determine the applicable Geographic Zone. If questions arise in determining the Geographic Zone to use, please contact the EVSE D/B & Construction IDIQ CO at pbs-ev-idiq@gsa.gov.

Competition of Task Order solicitations will be exclusive to the IDIQ contracts awarded within a Geographic Zone.

Task Order Contract Type

These are firm-fixed price IDIQ contracts. All task orders under the EVSE D/B & Construction IDIQ contracts will be accomplished by the issuance of individual firm-fixed price Task Orders.

Order Limitations

There is no single maximum order limitation (MOL) per contractor or individual Task Order. The individual Task Orders to be placed under the IDIQ contracts are generally anticipated to range in dollar value from approximately \$50,000.00 up to \$4,000,000.00 However, Task Orders may be outside of this range.

There is no single MOL per year, other than the MOL of the entire Geographic Zone. For each Geographic Zone, the aggregate MOL for the entire duration of all contracts awarded is \$500 million.

Task Order Duration

The period of performance for each task order awarded under an EVSE D/B & Construction IDIQ contract shall be specified in the task order in accordance with [FAR 16.505\(c\)](#).

Task orders shall be solicited and awarded prior to the expiration of the applicable EVSE D/B & Construction IDIQ contract's period of performance. After the EVSE D/B & Construction IDIQ contracts expire, they will remain active for administration purposes only.

Micro-purchase threshold (MPT) means \$10,000, except it means \$2,000 for acquisitions of construction subject to [40 U.S.C. chapter 31](#), subchapter IV, Wage Rate Requirements (Construction).

Simplified acquisition threshold (SAT) means \$250,000.

See [FAR 2.101](#) for additional details.

Fair Opportunity: The OCO must provide each awardee within the applicable Geographic Zone a fair opportunity to be considered for each order exceeding the MPT per [FAR 16.505\(b\)\(1\)\(i\)](#). OCOs may exercise broad discretion in developing appropriate order placement procedures. OCOs should keep submission requirements to a minimum. OCOs may use streamlined procedures, including oral presentations.

OCO should refer to [FAR 16.505\(b\)\(1\)\(v\)](#) for additional considerations when developing the procedures.

Over MPT to the Simplified acquisition threshold (SAT): OCOs need not contact each of the multiple awardees under the contract before selecting an order awardee if the OCO has information available to ensure that each awardee is provided a fair opportunity to be considered for each order.

However, OCOs shall develop placement procedures that will provide each awardee a fair opportunity to be considered for each order (see [FAR 16.505\(b\)\(1\)\(ii\)](#) for additional details).

Over SAT: Each order exceeding the simplified acquisition threshold shall be placed on a competitive basis in accordance with [FAR 16.505\(b\)\(1\)\(iii\)\(B\)](#), unless supported by a written determination that one of the circumstances described at [FAR 16.505\(b\)\(2\)\(i\)](#) applies to the order and the requirement is waived on the basis of a justification that is prepared in accordance with [FAR 16.505\(b\)\(2\)\(ii\)\(B\)](#).

OCO shall provide to all contractors within the applicable Geographic Zone a fair notice of the intent to make a purchase, clear description of the services required, and the basis upon which the selection will be made. OCOs shall afford all contractors responding to the notice a fair opportunity to submit an offer and have that offer fairly considered.

Over \$6 million: In accordance with [FAR 16.505\(b\)\(1\)\(iv\)](#), for task orders in excess of \$6 million, the requirement to provide all awardees within the applicable Geographic Zone a fair opportunity to be considered for each order shall include, at a minimum—

- A. A notice of the task order that includes a clear statement of the agency's requirements;
- B. A reasonable response period;

- C. Disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating proposals, and their relative importance;
- D. Where award is made on a best value basis, a written statement documenting the basis for award and the relative importance of quality and price or cost factors; and
- E. An opportunity for a postaward debriefing in accordance with [FAR 16.505\(b\)\(6\)](#)

Exceptions to the fair opportunity process

Fair opportunity procedures in accordance with [FAR 16.505\(b\)\(1\)](#) prescribed for the dollar value of the task order must be used, unless an authorized exception applies. If the OCO plans to award a task order based on an exception to fair opportunity, applicable Exceptions to Fair Opportunity (see [FAR 16.505\(b\)\(2\)](#)) should be prepared as part of the planning process. Any required notices and postings must also be issued in accordance with the [FAR](#) and agency procedures.

Brand Name Specifications

When procuring items peculiar to one manufacturer the OCO must justify restricting consideration (e.g., a particular brand-name, product, or a feature of a product that is peculiar to one manufacturer). A brand-name item, even if available on more than one contract, is an item peculiar to one manufacturer. Brand-name specifications shall not be used unless the particular brand-name, product, or feature is essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs.

Justifications for the use of brand-name specifications must be completed and approved at the time the requirement for a brand-name is determined, see [FAR 16.505\(a\)\(4\)](#).

Other Significant Planning Considerations

Other key considerations to address in developing your acquisition plan and preparing a task order solicitation include:

- Identify and evaluate potential organizational and consultant conflicts of interest; and avoid, neutralize, or mitigate significant potential conflicts before task order award (see [FAR 9.5](#)).
- Tailor the Evaluation Factors and Evaluation Methodology as applicable to your requirement.
- Personal services are NOT authorized on EVSE D/B & Construction IDIQ contracts. [FAR 37.104](#) characterizes personal services contracts as an employee-employer relationship between the Government and contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment or other procedures required by civil service laws. Obtaining personal services by contract, rather by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of the services by contract.
- Inherently Governmental Functions - [FAR 7.503\(e\)](#) stipulates that the agency head or designated requirements official shall provide to the OCO, concurrent with the statement of work, a written determination that none of the functions to be performed are Inherently Governmental.

- [Facilities Standards for the Public Buildings Service \(P100\)](#) - This document contains policy and technical criteria to be used in the programming, design, and documentation of GSA buildings. The Facilities Standards is a building standard: it is not a guideline, textbook, handbook, training manual, or substitute for the technical competence expected of a design or construction professional. Unless specified otherwise by the OCO, the EVSE D/B & Construction IDIQ contractors must comply with the latest version in effect as of the effective date of each Task Order. Additionally, OCOs may specify additional agency design requirements and/or agency design requirements as applicable for non-GSA buildings.
- For facilities under U.S. General Services Administration (GSA) jurisdiction, custody, or control, please see [5605.1 PBS Electric Vehicle Supply Equipment Infrastructure Management](#).

Step 2: Define the Requirements

The OCO may exercise broad discretion in developing appropriate order placement procedures. Individual orders shall clearly describe all services to be performed or supplies to be delivered so the full price for the performance of the work can be established when the order is placed. Orders shall be within the scope, issued within the period of performance, and be within the maximum value of the contract of the EVSE D/B & Construction IDIQ contract.

Requirements Development Support Resources

Task order Statement of Work templates and other resources are being developed and are expected to be available soon at [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#).

Request for Information (RFI)

You may also issue RFIs under all of the EVSE D/B & Construction IDIQ contracts. The requested information and documentation should correspond in size, degree, and proportion with the type of request. RFI's should be for relevant and easily obtainable information. As a courtesy, confirm and acknowledge receipt of contractor responses.

Price Estimating and Developing the Independent Government Estimate (IGE)

OCO's shall ensure that an independent Government estimate shall be prepared and furnished to the OCO at the earliest practicable time for each proposed task order. Please see [FAR 36.203](#) for additional details. Agencies may also have supplemental regulations or policies.

Security Clearance

The EVSE D/B & Construction IDIQ contracts contain [FAR 52.204-9](#), Personal Identity Verification of Contractor Personnel (JAN 2011) and [GSAR 552.204-9](#), Personal Identity Verification Requirements (JUL 2021). The task order solicitation should clearly express any additional requirements for security clearances, both facility and personnel. Tailor the security clearance requirement to your agency's needs.

Step 3: Develop the Solicitation

Developing the Solicitation

Use the solicitation form and format prescribed and used by your agency for task order solicitations, consistent with [FAR 16.505](#) procedures. In addition, a task order Solicitation template is being developed and is expected to be available soon at [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#).

Use of the Uniform Contract Format found in [FAR 15.204-1](#) is not required for EVSE D/B & Construction IDIQ orders. Furthermore, we do not recommend its use for EVSE D/B & Construction IDIQ task orders as it can lead to confusion between the ordering procedures found in [FAR 16.505](#) versus source selection procedures found in [FAR 15.3](#), which are not applicable to EVSE D/B & Construction IDIQ task orders.

In addition to the information required by [FAR 16.505\(a\)\(7\)](#), all task order solicitations shall provide the following information at a minimum:

- Task Order Statement of Work
- CLIN Structure
- Evaluation Factors
- Selection Methodology
- Period of Performance
- Place of Performance
- Solicitation Questions Due Date
- Proposal Due Date
- Proposal and Submittal Instructions
- Other Pertinent Information (for example: agency specific clauses, optional clauses, etc.)

Clauses and Provisions

The OCO must include any [FAR clauses](#) in full text that need to be filled in (e.g., [FAR 52.217-9](#) applicable to orders with options). All applicable and required provisions/clauses that automatically flow down to task orders shall remain unchanged throughout the entire period of performance under EVSE D/B & Construction IDIQ contracts. If future applicable or required provisions/clauses are to the benefit of future task orders solicited under EVSE D/B & Construction IDIQ contracts, they will be updated with an effective date under a bilateral modification to the EVSE D/B & Construction IDIQ contracts.

Task orders are issued in accordance with all applicable regulations and the terms and conditions of the IDIQ contract. If there is a conflict between a task order and the EVSE D/B & Construction IDIQ Master Contracts, the EVSE D/B & Construction IDIQ Master Contract shall control.

Project Magnitude

For construction task orders, OCOs must disclose the magnitude of the requirement in terms of physical characteristics and estimated price range. Do not disclose the Government's estimate ([FAR 36.204](#)). Agencies may also have supplemental regulations or policies (e.g., [GSAM 536.204](#)).

Pre-Proposal Conferences & Site Visits

The clauses [FAR 52.236-2](#), Differing Site Conditions, and [FAR 52.236-3](#), Site Investigations and Conditions Affecting the Work, are included in the EVSE D/B & Construction IDIQ contracts.

The OCO should make appropriate arrangements for prospective offerors to inspect the work site and to have the opportunity to examine data available to the Government which may provide information concerning the performance of the work. The solicitation should notify offerors of the time and place for the site inspection and data examination.

If it is not feasible for offerors to inspect the site or examine the data on their own, the solicitation should also designate an individual who will show the site or data to the offerors. Significant site information and the data should be made available to all offerors in the same manner, including information regarding any utilities to be furnished during construction. A record should be kept of the identity and affiliation of all offerors' representatives who inspect the site or examine the data. [FAR 36.210](#)

If feasible, OCOs should consider opportunities for virtual site visits and/or pre-proposal conferences.

Liquidated Damages

If applicable, liquidated damages will be established at the task order level and will include liquidated damage rates in the solicitation. The contracting officer must evaluate the need for liquidated damages in a construction contract in accordance with [FAR 11.502](#), [FAR 36.206](#), [FAR 52.211-12](#) and agency regulations.

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction

In construction task order solicitations expected to exceed \$10,000, OCOs shall include the provision [FAR 52.222-23](#), Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction. Locality goals can be found at U.S. Department of Labor [Participation Goals](#).

Evaluation Factors

In accordance with [FAR 16.505\(b\)\(1\)\(ii\)](#), the policies in [FAR 15.3](#) (Source Selection) DO NOT apply to the EVSE D/B & Construction IDIQ ordering process. OCOs may exercise broad discretion in developing appropriate

order placement procedures. OCOs should keep submission requirements to a minimum. OCOs may use streamlined procedures, including oral presentations.

The task order solicitation and award process should be as streamlined as practical to reduce solicitation and proposal preparation costs and time for both the Government and the contractor, respectively.

OCO's have flexibility to develop an evaluation methodology based only on price or on price and technical criteria.

Task Order Pricing

Pricing has been established on a competitive basis at the IDIQ contract level for common line items anticipated to be used frequently. Unless the OCO specifies another format, Task Order price proposals shall utilize the line items established in the IDIQ contract and not exceed the line item prices established in the IDIQ contract.

OCO's may send an email to pbs-ev-idiq@gsa.gov to request established common line item pricing.

For any work that is not covered by line items established in the IDIQ contract, the OCO will specify the format of price proposal. This contract has been created with flexibility and OCO's may specify task order price proposal instructions best-suited for each task order.

Construction Wage Rate Requirements

The EVSE D/B & Construction IDIQ contracts contain the applicable Construction Wage Rate Requirements statute (formerly known as the Davis Bacon Act) [FAR clauses](#). The OCO is responsible for incorporating the applicable wage determination into each Task Order solicitation and incorporating the most current wage determination into each Task Order (see [FAR 22.4](#)). [Construction Wage Determinations](#) may be found at this link on SAM.gov.

Bid Guarantees

In accordance with [FAR 28.101-1](#), OCO's must include [FAR 52.228-1](#), Bid Guarantee, in task order solicitations expected to exceed \$150,000.

OCO's shall specify requirements for payment protection in task order solicitations when the task order is expected to be valued at \$35,000 through \$150,000 (see [FAR 28.102-1\(b\)](#)).

OCO's shall specify requirements for performance and payment bonds in task order solicitations when the task order is expected to exceed \$150,000 (see [FAR 28.102-1\(a\)](#)).

Applicable clauses required by [40 U.S.C. chapter 31](#), subchapter III, Bonds (formerly known as the Miller Act), are already included within the EVSE D/B & Construction IDIQ contracts.

Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment

The EVSE D/B & Construction IDIQ contracts contain the clause at [FAR 52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (NOV 2021).

OCOs shall include the provision at [FAR 52.204-24](#), Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment, in all task order solicitations.

See [FAR 4.21](#) for additional information.

Ombudsman

The IDIQ contracts contain [FAR 52.216-32](#), Task-Order and Delivery-Order Ombudsman (Sept 2019) Alternate I (Sept 2019). In task order solicitations, OCOs must *insert the name, address, telephone number, and email address for the ordering activity's Ombudsman or provide the URL address where this information may be found.*

GSA OCOs: Please provide this link: <http://www.gsa.gov/ombudsman>.

Other agency OCOs: Please provide the applicable information.

Inclusion of EVSE and Ancillary Services Within Task Order Requirements

[GSA Class Deviation CD-2022-04](#) allows OCOs to authorize contractors under these IDIQ contracts to use the Federal Supply Schedule (FSS) "Electric Vehicle Supply Equipment (EVSE) and Ancillary Services" Blanket Purchase Agreements (BPAs) for supplies and ancillary services required to support electrification of the Federal fleet, to include infrastructure. (For EVSE BPA information, please see [Electric Vehicle Charging Stations](#)).

These BPAs provide access for Federal agencies and contractors awarded under these IDIQs, to acquire EVSE and ancillary services at discounted prices, which have met Supply Chain Risk Management and IT privacy and security requirements. In addition, they offer streamlined ordering procedures to support the rapid acquisition and deployment of electric vehicles through providing the supporting infrastructure.

Use of the FAS EVSE and Ancillary Services BPAs for electric vehicle charging stations specified in the Task Order requirements is mandatory, unless the required electric vehicle charging stations are not available on the BPAs. In the event that a contractor determines that required electric vehicle charging stations under a Task Order are not available through the FAS EVSE and Ancillary Services BPAs, contractors must notify the Task Order Contracting Officer as soon as practicable to request an exception from this requirement. OCO's may grant an exception if the required electric vehicle charging stations are not available on the BPAs. OCO's should document this in the task order file.

If necessary, the IDIQ Contracting Officer may identify other grounds for exceptions. OCO's may request an exception for other grounds by submitting a request to the EVSE D/B & Construction IDIQ CO at pbs-ev-idiq@gsa.gov.

If an exception has been provided, and electric vehicle charging stations are included in task order requirements, OCO's must consider if additional requirements (e.g., privacy, IT, cybersecurity and supply chain risk management (SCRM) requirements) should be included in the task order. For requirements in GSA space, coordinate with the GSA Chief Information Officer (CIO) if the action involves GSA information technology and ensure acquisition plans are approved by the GSA CIO. Guidance for identifying the applicable GSA CIO point of contact can be found on GSA's Acquisition Portal at <https://insite.gsa.gov/acquisitionportal>. In non-GSA space, OCOs must follow agency procedures.

FAR 52.251-1, Government Supply Sources (Apr 2012), is included in the IDIQ contracts and does not need to be added at the task order level

The IDIQ contracts include a written finding in the contract file that supports issuance of the authorization to the buying contractor to use Government supply sources in accordance with FAR 51.102(a). Therefore, this does not need to be added at the task order level

Additional requirements (e.g., privacy, IT, cybersecurity and supply chain risk management (SCRM) requirements) may be specified at the Task Order level. For example, in GSA space, additional requirements may be needed if EVSE will connect to the GSA network. In non-GSA space, OCOs must follow agency procedures.

When EVSE D/B & Construction IDIQ contractors are authorized under the [FAR 51.1](#) and [Class Deviation CD-2022-04](#) to place EVSE BPA orders, OCO's must include with each order the following:

- A copy of the authorization issued by the OCO to use the BPA; and
- The following statement: This order is placed under written authorization from [insert name of contracting officer] dated [insert date], under the GSA Governmentwide IDIQ contracts for General Construction with Design/Build Capabilities to Support Electric Vehicle Supply Equipment Installation.

Additionally, EVSE D/B & Construction IDIQ contractors authorized to place orders under the EVSE BPAs must:

- Only place orders for the supplies and/or ancillary services within the scope of the BPA; and
- Follow the ordering procedures outlined in this [EVSE BPA Ordering Guide](#).
- Complete the [EVSE BPA Sales Report](#) to capture transactions under the BPA
- Email a copy of the authorization issued by the PBS CO to gsafleetafvteam@gsa.gov.

Step 4: Issue the Solicitation

Task Order solicitations are emailed to the respective zone contractors. IDIQ contractor email addresses are located on [Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#) and include the official points of contact for all EVSE D/B & Construction IDIQ contract holders. These IDIQ contractor email addresses are for OCOs to issue solicitations, Requests for Information (RFIs), Sources Sought Notices, or other market research requests.

Afford all contractors responding to the notice a reasonable response period to submit an offer and have that offer fairly considered.

Contractors are not obligated to propose on all Task Orders; however, they are required to notify the OCO within seven (7) calendar days, unless another timeframe is specified by the OCO, if they cannot submit an offer in response to a solicitation. Failure to provide this notification may impact future consideration of the contractor for Task Orders and the exercise of any option.

Step 5: Evaluate Proposals

OCO should evaluate proposals based on the methodology stated in the task order solicitation to maintain fairness in the ordering process and mitigate protest risk.

Decision documentation for orders.

The contracting officer shall document in the contract file the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making the award decision.

The contract file shall also identify the basis for using an exception to the fair opportunity process.

Fair and Reasonable Price Determination

The OCO is responsible for analyzing order proposals and documenting the price evaluation to include a determination that the final agreed-to price is fair and reasonable. To the maximum extent practicable, price analysis should be based on competition (see [FAR 15.4](#)).

For supplies and/or ancillary services on the BPA, established BPA pricing may be found at [Electric Vehicle Charging Stations](#). Discounts should be sought at the ordering level, more information in the [EVSE BPA Ordering Guide](#).

Step 6: Award the Task Order

Document your task order awards in accordance with regulation and agency specific policies.

Provide an electronic copy of any task order award to the EVSE D/B & Construction IDIQ CO within 5 calendar days after award. Send via email to pbs-ev-idia@gsa.gov

Task Order Award Form

GSA OCOs must use the GSA Form 300, Order for Supplies and Services. Other agency OCOs must follow agency procedures.

Public Notice of Awards Not Providing for Fair Opportunity

For orders based on an exception to fair opportunity, in accordance with [FAR 16.505\(b\)\(2\)\(ii\)\(D\)](#), the OCO must post the required public notice within 14 days after placing the order. If the exception “urgent/unacceptable delay” is used, the public notice must be posted within 30 days after placing the order. This posting requirement includes posting the justification approved for the exception at the Government point of entry <https://sam.gov>.

Actions excluded from this notice requirement are disclosures that would compromise national security.

Performance and Payment Bonds for Task Orders

Notice to Proceed (NTP) may be issued upon award of the Task Order under \$35,000.

Task Orders valued at \$35,000 through \$150,000, a form of payment protection must be provided and accepted by the Government (payment bond or irrevocable letter of credit) before an NTP can be issued [FAR 52.228-13](#)

Task Orders over \$150,000, both performance and payment bonds must be received and accepted by the Government prior to issuance of the NTP. [FAR 52.228-15](#)

Payment and/or performance bonds shall be submitted no later than ten (10) calendar days after Task Order award, unless another timeframe is specified by the OCO. The contractor will be required to submit proof of payment for the bonds for Task Orders.

Order Level Protests

The OCO is encouraged to contact the EVSE D/B & Construction IDIQ CO for assistance with disputes, claims, or protests. However, the OCO is responsible for resolving any performance issues, disputes, claims, or protests at the task order level.

Task order protests are not authorized under [FAR 16.505\(a\)\(10\)](#) except for:

- a protest on the grounds that the order increases the scope, period of performance, or maximum value of the contract
- a protest on an order valued in excess of \$10 million for agencies other than DoD, NASA, and the Coast Guard.

- A protest of an order valued in excess of \$25 million for DoD, NASA, or the Coast Guard.

[FAR 16.505\(a\)\(10\)\(ii\)](#) grants sole authority to GAO to hear such protests, which must be filed in accordance with the procedures at [FAR 33.104](#).

Notwithstanding that DoD, NASA, and the Coast Guard have a minimum task order protest threshold of \$25 million, GAO jurisdiction flows from the EVSE D/B & Construction IDIQ contracts no matter which agency funds or issues the order. Hence the minimum protest threshold for all orders under EVSE D/B & Construction IDIQ contracts is \$10M as stated in [FAR 16.505\(a\)\(10\)\(i\)\(B\)\(1\)](#).

Reference GAO Cases B-413758.2, B-413758.3 November 28, 2016, ruling on jurisdictional grounds in regards to a title 10 agency placing an order against an IDIQ awarded by a Title 41 agency.

Ombudsman

The GSA Ombudsman shall review and resolve complaints from contractors concerning task order actions made by GSA at <http://www.gsa.gov/ombudsman>

Complaints regarding task order actions of other agencies using GSA contract vehicles shall be directed to the ordering agency's Task-Order Ombudsman. [FAR 52.216.32](#)

Before consulting with the Ombudsman, the Contractor is encouraged to first address complaints with the OCO for resolution. When requested by the Contractor, the Ombudsman may keep the identity of the concerned party or entity confidential, unless prohibited by law or agency procedure. Consulting an ombudsman does not alter or postpone the timeline for any other process (e.g., protests).

Reporting Task Order Awards in FPDS

Task order awards shall be reported in the Federal Procurement Data System (FPDS) at fpds.gov within 3 calendar days after execution of the action. This requirement also applies to agencies that may not otherwise be required to create FPDS-NG reports (i.e. agencies that do not receive appropriated funds).

It is important that each EVSE D/B & Construction IDIQ task order is reported as an order under the correct EVSE D/B & Construction IDIQ contract number (Reference IDV). Data accuracy is very important to make sure your FPDS-NG reports accurately reflect award data.

Postaward Notices and debriefing of awardees for orders exceeding \$6 million.

In accordance with [FAR 16.505\(b\)\(6\)](#), OCOs shall notify unsuccessful awardees when the total price of a task order exceeds \$6 million.

Postaward notification to unsuccessful awardees follow procedures at [FAR 15.503\(b\)\(1\)](#).

Postaward debriefing to unsuccessful awardees follow procedures at [FAR 15.506](#). A summary of the debriefing shall be included in the task or delivery order file

Post-Award Survey

Within approximately 90 days after a task order award under EVSE D/B & Construction IDIQ, the EVSE D/B & Construction IDIQ CO will send a survey to the OCO to collect information regarding the OCO's experience with the EVSE D/B & Construction IDIQ acquisition process and the offers received as well as any suggestions for improvement.

Step 7: Task Order Administration

Reporting Modifications in FPDS-NG

All task order modifications must be reported in FPDS-NG. This requirement also applies to agencies that may not otherwise be required to create FPDS-NG reports (i.e. agencies that do not receive appropriated funds).

Prompt Payment

The IDIQ contracts include [FAR 52.232-27](#), Prompt Payment for Construction Contracts (JAN 2017) and supplemented by [GSAR 552.232-5](#), Payments under Fixed-Price Construction Contracts (MAR 2019). In accordance with [FAR 52.232-27](#), the period for payments is as follows:

- Progress Payments: 14 days
- Subsequent Subcontractor Payments: 7 days

Subcontracting and Limitations on Subcontracting

[FAR 52.219-14](#), Limitations on Subcontracting (Sep 2021), is incorporated at the IDIQ contract level.

In accordance with this clause, the EVSE D/B & Construction IDIQ contractor will not pay more than 85 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities. Any work that a similarly situated entity further subcontracts will count towards the prime contractor's 85 percent subcontract amount that cannot be exceeded. The Contractor shall comply with the limitations on subcontracting by the end of the performance period for each order issued under the contract.

Payrolls and Labor Compliance

The OCO is responsible for reviewing and documenting examinations of submitted payrolls and payroll statements. The contractor must submit for the contractor and each subcontractor, copies of weekly payrolls applicable to the contract, and weekly payroll statements of compliance. The contractor may use the Department of Labor [Form WH-347](#), or a similar form that provides the same data and identical representation. ([FAR 22.406-6](#)).

The OCO is responsible for conducting regular compliance checks to ensure compliance with labor standards requirements. [FAR 22.406-7](#).

Performance Evaluation

Each OCO is responsible for ensuring the contractor's performance on each order is reported in CPARS in accordance with the policies in [FAR 42.15](#). Reporting is required for construction order contracts that have an aggregate value (base and all options value) at award (or result of modification) > \$750,000.

Follow your agency's procedures for preparation, review, and submission of performance reports. GSA will consider task order performance information as part of performance evaluations at the IDIQ contract level. Task order performance may also be considered when the EVSE D/B & Construction IDIQ considers exercising option periods of performance.

Step 8: Task Order Closeout

The OCO is responsible for closing out their task order(s). The procedures prescribed in [FAR 4.804-5](#) shall be used for closing out the contract file except when it is appropriate to use the quick-closeout procedure in [FAR 42.708](#).

EVSE D/B & Construction IDIQ Resources

EVSE D/B & Construction IDIQ resources have been developed to assist you in effectively and efficiently using the EVSE D/B & Construction IDIQ contracts. These resources are constantly updated to better assist agencies meet their requirements. Send your questions regarding the ordering process to pbs-ev-idiq@gsa.gov.

[Governmentwide Design/Build and Construction IDIQ Contracts for EVSE Installation and Related Infrastructure](#) includes resources for the EVSE D/B & Construction IDIQ (additional resources are being developed and are expected to be available soon).

