Best Practices Ordering Guide

FAST-41 Project Support under the Federal Supply Schedules



**Table of Contents**

[Ordering Guide Overview](#_gjdgxs) 3

[Background](#_1fob9te) 4

[Scope](#_3znysh7) 4

[Who Is Eligible To Place An Order](#_lf9tczyi07en) 5

[On-Ramp](#_bfge1t7c6pzz) 5

[GSA General Recommendations:](#_j0xtz6jalaiy) 5

[Requirement Development Considerations:](#_3dy6vkm) 6

[Additional Resources](#_1t3h5sf) 7

[Attachments](#_4d34og8) 8

## Ordering Guide Overview

This ordering guide is intended to help ordering agencies, particularly contracting officers, effectively use the Federal Permitting Improvement Steering Council (FPISC)/General Services Administration (GSA) Basic Ordering Agreement (BOA) to deliver best value.

This Ordering Guide is not a stand-alone reference. It is recommended that the reader also become familiar with the Multiple Award Schedule (MAS). This Ordering Guide may be revised from time to time. Updates to this publication, when they occur, will be made available upon request at fast-41supportboa@gsa.gov.

Additional information available to assist ordering agencies in using MAS is available online at <https://www.gsa.gov/buy-through-us/purchasing-programs/gsa-multiple-award-schedule/we-are-here-to-help>; this site includes links to the MAS Desk Reference, MAS Ordering Guide, GSA Schedule Order Contract File Checklist and much more. Throughout this guide, the terms “FSS,” “Federal Supply Schedule,” and “MAS” are used interchangeably. Questions concerning this guide should be directed to fast-41supportboa@gsa.gov.

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## Background

The Infrastructure Investment and Jobs Act (IIJA) re-authorized FAST-41 and established the Permitting Council—which previously was scheduled to sunset and terminate operations on December 5, 2022—as a permanent Independent Executive Branch agency (reference Pub. L. No. 117-58, § 70801(h), 135 Stat. 429, 1294 (Nov. 15, 2021)). The Permitting Council is a unique Federal agency charged with improving the transparency, predictability, and outcomes of the Federal environmental review and authorization process for certain covered infrastructure projects (reference 42 U.S.C. § 4370m, et seq.). The Permitting Council comprises the Permitting Council Executive Director, who serves as the Council Chair; the Chair of the Council on Environmental Quality; and the Director of the Office of Management and Budget (OMB); and 13 Federal agency Council members (including Deputy Secretary-level designees of the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, Defense, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation).

This ordering guide specifically supports the goals and executive actions outlined in the current administration’s Permitting Action Plan and is designed to assist agencies in the procurement of FAST-41 covered projects.

## Scope

A BOA is defined as a written instrument of understanding, negotiated between an agency, contracting activity, or contracting office and a contractor, that contains (1) terms and clauses applying to future contracts (orders) between the parties during its term, (2) a description, as specific as practicable, of supplies or services to be provided, and (3) methods for pricing, issuing, and delivering future orders under the basic ordering agreement. **A basic ordering agreement is not a contract.**

The scope of this guide is to provide acquisition professionals guidance when seeking FAST-41 Project Support throughout the United States by leveraging Basic Ordering Agreements as the initial source for finding contractor support with specific expertise required to support FAST-41 covered projects.

**Important BOA Information:**

* Period of Performance: 8/30/2022 - 8/29/2027 (with annual review).
* Each BOA, paragraph 1.3, states the following: **“The Government will use the competitive procedures of FAR 8.405-2 to solicit all task orders utilizing the terms and conditions of this BOA.”**
* Task Orders may be issued as labor hour (LH), time and materials (T&M), and/or firm fixed price (FFP) (FAR 8.404(h).
* Attachment B contains a list of contractors with a BOA and their POC information.

Task order requirements may include environmental review services, engineering services, technical services, and order level materials. As such, task orders may require the following SINs to be eligible for task order award:

* 541620 - Environmental Consulting Services
* 541330 ENG - Engineering Services
* 541690 -Technical Consulting Services
* 541611 - Administrative Management and General Management Consulting Services
* OLM (order level materials)

## Who Is Eligible To Place An Order

Task orders can only be issued by the following for FAST-41 Covered Projects only:

1. GSA, Federal Acquisition Service, Assisted Acquisition Services
2. Advisory Council on Historic Preservation
3. Department of Agriculture
4. Department of the Army
5. Department of Commerce
6. Department of Defense
7. Department of Energy
8. Department of Homeland Security
9. Department of Housing and Urban Development
10. Department of the Interior
11. Department of Transportation
12. Environmental Protection Agency
13. Federal Energy Regulatory Commission
14. Nuclear Regulatory Commission
15. Office of Management and Budget
16. Council on Environmental Quality

## On-Ramp

Market research will be initiated every six (6) months starting January 2023 and continue until December 2024. The Government will conduct market research by issuing a sources sought to determine vendor interest. If at least three (3) capable vendors express interest, the Government will proceed with the on-ramping process. If not enough interest is received the Government will not initiate an on-ramp.

## GSA General Recommendations:

FPISC Member Agencies should follow their internal procurement regulations and procedures when utilizing Federal Supply Schedules (FSS). For reference, the following website is shared with Federal customers to provide guidance on how to order from MAS https://www.gsa.gov/buy-through-us/purchasing-programs/gsa-multiple-award-schedule.

In accordance with FAR 16.703(a), a BOA is not a contract. Per FAR 16.703(c)(iv) the point at which an order becomes a contract is:

* Upon issuance by GSA or the designated agencies
* The order is accepted by the contractor through performance

The following documents were not accomplished at the BOA level and are required for each order prior to order issuance:

* Independent Government Estimate
* Small Business coordination, such as GSA Form 2689, if required
* An acquisition plan
* A contract type determination and finding, approved at the appropriate level, if order will be other than firm fixed price
* FAR 52.217-9 option determination and finding if option periods will be utilized
* FAR 52.217-8 option determination if Extension of Services will be utilized
* Quality Assurance Surveillance Plan (QASP)
* Contracting Officer Representative (COR) nomination, eligibility documentation, and appointment

This list is not all inclusive and what is required could vary depending on the scope, dollar value, contract type, and agency issuing the order. Additionally, no pricing was received with the BOA offers. All MAS holder’s awarded pricing can be viewed on GSA ELibrary at the following website https://www.gsaelibrary.gsa.gov/ElibMain/home.do. Agencies who intend to place orders are encouraged to request additional discounts. Price Reasonableness in accordance with FAR 8.405-2(d) should be accomplished to determine a fair and reasonable price prior to order issuance.

## Requirement Development Considerations:

GSA’s requirements analysis and market research resulted in the following recommendations for agencies to consider when drafting their requirements documents and acquisition strategies.

**Notify Industry Partners Early:**

* We strongly encourage you to engage with industry partners as early as possible. The competition for available resources may change quickly and may vary across regions. Early engagement allows for you and industry to work together as efficiently as possible.
* Consider the impact on time frames and location when developing minimum requirements (example: licensed environmental reviewers in a remote location). Each BOA, paragraph 1.3 states “The timeline for solicitation will generally allow offerors 2 weeks to provide a quote or proposal.”

**Consider flexibility in contract structure:**

Due to the increase in FAST-41 projects across the United States, GSA recommends structuring orders to maximize flexibility. Specifically:

* Contract Type: FSS allow various contract types to provide greater flexibility, including:
	+ Firm Fixed Price (FFP)
	+ Time & Materials (T&M) orders/CLINs, as appropriate, for requirements anticipated to fluctuate considerably
	+ Labor Hour (LH)
* Include the OLM CLIN on a T&M basis or Ancillary Supplies as a separate CLIN for supporting materials or unidentified needs. Information on the use of OLMs can be found on the following website, <https://www.gsa.gov/buy-through-us/purchasing-programs/gsa-multiple-award-schedule/schedule-features/orderlevel-materials-olms>.
* Allow multiple schedule labor categories to fulfill requirements. Since these services may not align perfectly with any specific labor category, it is entirely possible that contractors can meet this requirement with a variety of SINs and labor categories.

**Specific Requirements:**

Provide contractors with as detailed information as possible about the place(s) of performance, such as: physical addresses of locations, number of locations, number of personnel needed, hours of operation, and uniform requirements (if any). Ordering offices can adjust the terms and conditions of the BOA if the adjustments are very clear in the task order solicitation.

**Do Not Restrict Competition:**

FAR 16.703 does not restrict competition. We suggest order solicitations be posted in GSA eBuy such that any contractor with the minimum MAS SIN 541620, not just the BOA holders, can compete. Additionally, an eBuy posting for MAS SIN 541620 meets the conditions of both FAR 16.703 and FAR 8.405-2 competitive procedures.

**Order Tracking:**

Ordering Agency Contracting Officers should email a completed Reporting Requirement Template (Attachment C) to FAST-41SupportBOA@gsa.gov within five business days of new task order awards if the BOAs were leveraged during the pre-award process. FPISC and the GSA Contracting Officer and Project Manager wish to track all task orders awarded by FPISC Member Agencies to include those that are not awarded to BOA holders.

## Additional Resources

**Customer Assistance:**

Specific questions related to this ordering guide/effort can be directed to FAST-41SupportBOA@gsa.gov.

**Industry Assistance:**

For interested industry partners who wish to attain a FSS contract with GSA, please visit the [Vendor Support Center](https://vsc.gsa.gov/); call 877-495-4849, or email vendor.support@gsa.gov.

## Attachments

Attachment A: Sample PWS

Attachment B: FPISC FAST-41 BOA Holders

Attachment C: Reporting Requirement Template