

NITAAC Government Affairs Subcommittee

March 19, 2009 IAC Handout

1. **American Recovery and Reinvestment Act of 2009 (ARRA)** – There are unique requirements for any contract or order (or modification to an existing contract or order). More detail can be found www.recovery.gov (screen shot attached for reference), but attached are the charts for the Posting Requirements and the relevant Acquisition Thresholds.
2. **3% Withholding remains on hold to 2012.**
3. **Fixed Price Contracts and Competitive Contracting mandates**
4. **GSA Encouraging use of FSS for Stimulus Projects**



HOW WILL OBAMA CHANGE FEDERAL TECHNOLOGY? WHAT WILL THEY OUTSOURCE NEXT? WHY DO IT PROJECTS FAIL? SHOULD I LET MY STAFF TELEWORK? WHERE WILL THE NEXT BIG DATA BREACH BE? WILL A RISK MANAGEMENT STRATEGY ACTUALLY MANAGE RISK? WHAT WILL I DO IF MY BEST DEVELOPERS LEAVE?

GSA encourages agencies to use its contracts for stimulus projects

By Elizabeth Newell enewell@govexec.com March 17, 2009

Existing contracts offer the best option for getting stimulus money out the door quickly, a General Services Administration senior official said on Monday.

Mary Davie, assistant commissioner of GSA's Federal Acquisition Service, told members of the Industry Advisory Council and American Council for Technology that the agency is marketing its schedules and governmentwide acquisition contracts for spending under the 2009 American Recovery and Reinvestment Act.

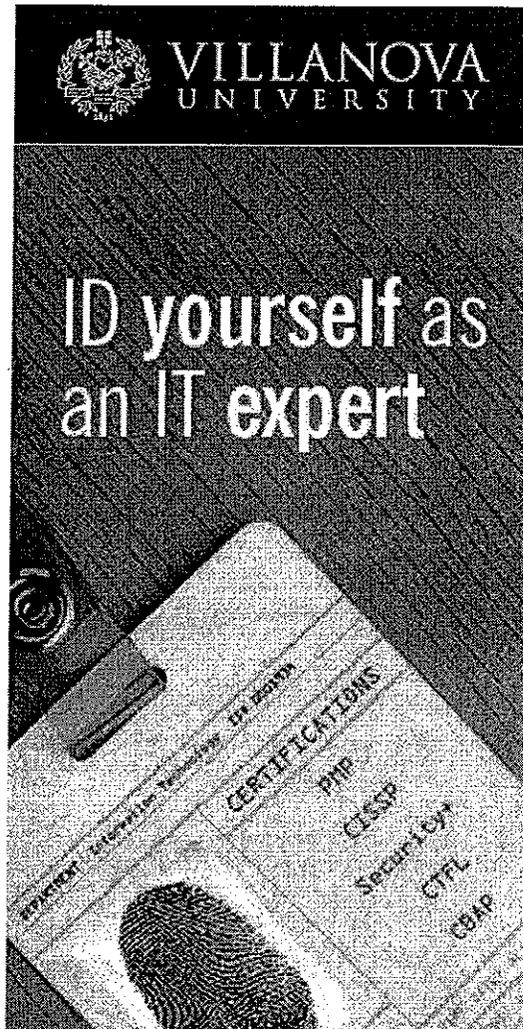
"If you can use existing contracts... it's going to help you on the time frame immediately," Davie said. "It will help you with the firm fixed-price aspect, and it will help you with competition. Agencies should look first to existing contracts."

Preparing GSA's contract vehicles for use in stimulus efforts is something the agency has been focusing on since President Obama signed the Recovery Act on Feb. 17. In a statement after the package became law, acting administrator Paul Prouty said GSA "stands ready" to help agencies acquire stimulus-related goods and services through the multiple-award schedules, GWACs and multiple agency contracts.

"GSA is in a terrific position to connect agencies with cost-effective, high-quality and environmentally friendly commercial products and services," Prouty said. "We are thrilled by this unique opportunity to be a part of the solution to our nation's economic crisis."

Davie said GSA has drawn up a list of schedule categories that align with stimulus program areas and is holding outreach events to teach officials how to use pre-negotiated contract vehicles.

"We have things that are ready to use.... whether they are contract solutions, or people who can help you use the contract solutions," Davie said. "GSA has a whole bunch of solutions."



HOPE IS NOT A MARKETING STRATEGY.

WEDNESDAY, MARCH 18, 2009



RECOVERY.GOV

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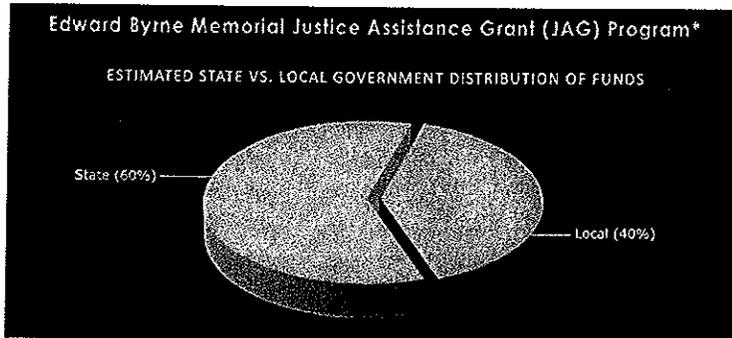
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INVESTING IN PUBLIC SAFETY

On Friday, March 6, 2009, President Obama and Attorney General Holder announced the allocation of \$2 billion in funds from the American Recovery and Reinvestment Act to control crime and improve the criminal justice system.

LEARN MORE



* The JAG Program allows states and local governments to support a broad range of activities to prevent and control crime and improve the criminal justice system

SOURCE: Department of Justice

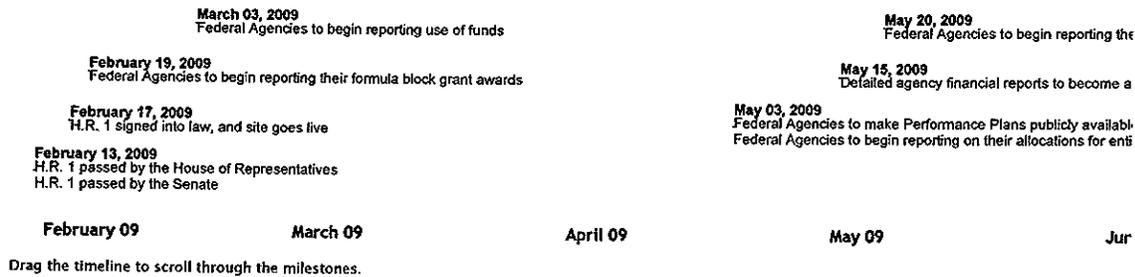
Welcome to Recovery.gov

The American Recovery and Reinvestment Act is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century. The Recovery and Reinvestment Act is an extraordinary response to a crisis unlike any since the Great Depression. With much at stake, the Act provides for unprecedented levels of transparency and accountability so that you will be able to know how, when, and where your tax dollars are being spent. Spearheaded by a new Recovery Board, this Act contains built-in measures to root out waste, inefficiency, and unnecessary spending. This website, Recovery.gov, will be the main vehicle to provide each and every citizen with the ability to monitor the progress of the recovery.

On Our Way: Read the Bill

The President recently signed the American Recovery and Reinvestment Act into law. Read the full bill here.

Timeline - Milestones at a Glance



Drag the timeline to scroll through the milestones.

Featured News

- Monday, March 16, 2009
U.S. Department of Justice Makes Available \$1 Billion in Recovery Act Funds for COPS Program
- Monday, March 16, 2009
New Law Extends Net Operating Loss Carryback for Small Businesses; IRS To Ensure Refunds Paid Timely
- Friday, March 13, 2009
Vice President Biden, Railroad Administrator, Members of Congress Announce Funding for Amtrak in Recovery Act
- Thursday, March 12, 2009
American Recovery and Reinvestment Act of 2009 Schedule A Hiring Authority
- Thursday, March 12, 2009
Implementing the Recovery Act
- Thursday, March 12, 2009
Administration Announces Nearly \$8 Billion in Weatherization Funding and Energy Efficiency Grants
- More News

Accountability and Transparency

This is your money. You have a right to know where it's going and how it's being spent. Learn what steps we're taking to ensure you can track our progress every step of the way.

Share your Recovery Story

Tell us how the Recovery Act is affecting you. What's working? What isn't? We want to hear from you.

State Progress and Resources

Curious about the recovery progress in your state? Learn more about statewide recovery efforts here.

Agency Progress and Resources

We're bringing transparency and accountability to all areas of government. Learn about Recovery investments and grant programs at government agencies and departments.

Posting of Notice/Summary on Special Section

	Description of Contract Action	Posting on Special Section of Recovery.Gov
(1)	A contract is competitively awarded and is fixed price	Not Required
(2)	A contract is awarded that is not fixed-price	Required
(3)	A contract is awarded without competition	Required
(4)	An order is issued under a new or existing single award IDIQ contract	Required if order is made under a contract described in (2) or (3)
(5)	An order is issued under a new or existing multiple award IDIQ contract	Required if one or both of the following conditions exist: <ul style="list-style-type: none"> i. the order is not fixed-price ii. the order is awarded pursuant to an exception to the competition requirements applicable to the underlying vehicle (e.g., award is made pursuant to an exception to the fair opportunity process)
(6)	A modification is issued	Required if modification is made: <ul style="list-style-type: none"> i. to a contract described in (2) or (3) above; or ii. to an order requiring posting as described in (4) or (5) above
(7)	A contract or order is awarded pursuant to a small business contracting authority (e.g., SBA's section 8(a) program)	Required if one or both of the following conditions exist: <ul style="list-style-type: none"> i. the contract or order is not fixed-price ii. the contract or order was not awarded using competition (e.g., a non-competitive 8(a) award)

Subsequent guidance will provide additional details.

In general, if a question arises about whether to provide public disclosure of information, agencies should promote transparency to the maximum extent practicable when consistent with national security interests.

**Generally Available Acquisition Flexibilities
A Quick Reference**

Small Dollar Acquisitions under the Simplified Acquisition Threshold (SAT) (\$3,000 to \$100,000)

- ✓ Various flexibilities are provided in connection with publicizing -- e.g., an oral solicitation may be efficient for actions up to \$30,000 & other actions for which there is an exception to notice; response time may be less than 30 days provided a response time is reasonable (FAR 5.101, 5.202, 5.203, 13.106-1).

Acquisitions under the test program for commercial items (\$100,000 to \$5,500,000)

- ✓ Acquisition generally may be treated like a purchase under the SAT, with certain exceptions (see FAR Part 13.501)

Commercial Item Acquisitions (over \$5,500,000)

- ✓ FAR Part 12 policies & procedures apply, including optional streamlined procedures for evaluation & solicitation.
- ✓ Wait period after notice & before issuance of solicitation may be reduced (FAR 5.203(a)).
- ✓ Based on circumstances, the contracting officer may allow for fewer than 30 day response time for receipt of offers (FAR 12.205, 5.203(b)).

Non-commercial item acquisitions (over \$100,000)

- ✓ Some acquisitions of non-commercial items may qualify to use FAR Part 12 (FAR 12.102(f) & (g)).
- ✓ Offerors may be allowed to give oral presentations (FAR 15.102).

(8) Davis-Bacon Act and Service Contract Act.

The Davis-Bacon Act and Service Contract Act apply to contract actions using Recovery Act funds. Agencies must follow the same laws, principles, procedures, and practices in awarding contracts with Recovery Act funds as they do with other funds.

6.3 Are there actions, beyond standard practice, that agencies must take related to the monitoring of contracts under Recovery Act?

Agencies must provide for appropriate oversight of contracts to ensure outcomes that are consistent with and measurable against agency plans and goals under the Act. It is critical that agencies evaluate their workforce needs so that they are able to appoint qualified Contracting Officers, Contracting Officer Technical Representatives (COTRs), and Program Managers with certification levels appropriate to the complexity of Recovery Act projects. In addition, agencies should actively monitor contracts to ensure that performance, cost, and schedule goals are being met, including: