



Human Capital and Training Solutions (HCaTS)

Ordering Guide

GSA Federal Acquisition Service

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Table of Contents

Who is this Guide Written for?	4
Who Can Use HCaTS?.....	4
How to Begin Using HCaTS?	4
How to Request DPA Training?	4
Roles and Responsibilities.....	4
Rights Reserved by the Procuring Contracting Officer	5
What are some of the benefits of using HCaTS?	5
Options for Accessing the HCaTS Contracts.....	6
HCaTS Program Background	6
Scope of HCaTS	7
Out of Scope Services.....	7
The Ordering Process	8
Step 1: Acquisition Planning	8
Which HCaTS Vehicle to Use: HCaTS Unrestricted or HCaTS SB?	8
Set-Asides for Socioeconomic Competition under HCaTS SB	8
Special Instructions Regarding Orders Set-Aside for 8(a) Competition	10
Competition Considerations	10
How to Set-Aside for 8(a) and Receive 8(a) Credit	11
Task Order Contract Types.....	12
Assign a NAICS Code to Each Order	12
Task Order Funding and Funding Limitations	13
Minimum and Maximum Order Limitations	13
Task Order Size Representation.....	13
Task Order Duration.....	13
Task Order Small Business Size Representation	13
Labor Categories for Task Order Work	13
Other Direct Costs (ODC) and Ancillary Support.....	14
Security Clearance Considerations for Classified Orders.....	15
Labor on T&M and L-H Task Orders.....	15
Service Category Labor Standards (SCLS)	15

FAR Clause 52.204-14, Service Contract Reporting Requirements	16
Rights in Data	16
Contract Access Fee (CAF).....	16
Other Significant Planning Considerations	16
HCaTS Tools and Planning Resources	17
Scope Determination:	17
Step 2: Define the Requirements.....	17
Requirements Development Support Resources.....	17
Price Estimating and Developing IGCE	18
Developing the Solicitation	18
Clauses and Provisions	19
Evaluation Factors.....	19
Step 3: Issue the Solicitation.....	19
Methods of Issuing the Task Order Solicitation.....	19
Contractors in Dormant Status	20
Step 4: Evaluate Proposals.....	20
Price Fair and Reasonable Determination	20
Step 5: Award the Task Order	21
Order Award Documentation	21
GSA Task Order Award and Modification Information	21
Public Notice of Awards Not Providing for Fair Opportunity.....	21
Order Level Protests	21
Ombudsman.....	21
Reporting Task Order Awards in FPDS-NG.....	21
Post-Award Survey.....	22
Step 6: Task Order Administration.....	22
Reporting Modifications in FPDS-NG	22
Reporting Modifications to GSA	22
Subcontracting and Limitations on Subcontracting.....	22
Performance Evaluation.....	22
Step 7: Task Order Closeout.....	23
HCaTS TOOLS & RESOURCES	24

Who is this Guide Written for?

This guide is written for warranted Federal Ordering Contracting Officers (OCOs) considering using the HCaTS contract vehicles. This guide addresses contracting issues and concepts unique to HCaTS contracts; however, OCOs shall follow FAR regulations and their agency specific policies as well adhere to the terms of the contract. This ordering guide presumes that OCOs are proficient in their duties, with a working knowledge of all applicable Federal regulations, executive orders, and human capital and agency policies.

Additional information to assist customer agencies in using the HCaTS contracts is also available online at www.gsa.gov/HCaTS. The HCaTS website includes the following resources:

- HCaTS Contracts
- Resource Directory: Task Order samples, Templates, and Reports
- Pre-Award Scope Review process
- HCaTS Training and Delegation of Procurement Authority (DPA) process
- List of Awarded Contractors

Who Can Use HCaTS?

The HCaTS contracts may be used by all Federal agencies and other entities as listed in the GSA Order, OGP 4800.2I, Eligibility to use GSA Sources of Supply and Services, as amended.

How to Begin Using HCaTS?

In order to solicit and place a task order under HCaTS, the OCO must first obtain a Delegation of Procurement Authority (DPA) from the HCaTS Contracting Officer. In order to do this, you must:

- Be a warranted Federal Contracting Officer (CO) in good standing
- Formally apply for and receive DPA training

How to Request DPA Training?

DPA Training is approximately 60 minutes long and is provided through an online meeting space, or in person for attendees more than 25 people. To request DPA training, visit HCaTS.gsa.gov, under “HCaTS Training”. For an on-site training, email us at HCaTStraining@gsa.gov.

Roles and Responsibilities

DPAs are issued to individual contracting officers, not agencies at large. There is no limit to the number of DPAs that can be issued to Contracting Officers within an Agency. An OCO with a DPA has the authority to solicit, award, administer, and modify task orders against the HCaTS Contracts.

The OCO shall comply with the HCaTS master contract terms and conditions, the Ordering Guide, the Federal Acquisition Regulation (FAR) and authorized agency supplement or exception, applicable

agency-specific statutes and policies, and the additional responsibilities defined in the HCaTS DPA certification.

OCO duties include, but are not limited to:

- Task order scope compliance with HCaTS
- Certify funds availability and allocate funds for requirements
- Process disputes, claims, or protests under HCaTS
- Request and receive a DPA prior to soliciting and awarding a task order under HCaTS
- Comply with the terms and conditions of the HCaTS contracts
- Comply with the ordering procedures outlined in FAR Subpart 16.505 and other agency specific regulatory supplements
- Issue task order solicitations under the proper HCaTS MA-IDIQ contract numbers
- Comply with Inherently Governmental Functions policy as outlined in FAR 7.503
- Allow a reasonable time for fair opportunity proposal submission
- 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
- Enter task order performance evaluation in the Contractor Performance Assessment Reporting System (CPARS) or alternative past performance assessment reporting system mandated by customer agencies that do not require the use of CPARS
- Close out task orders in a timely manner

Rights Reserved by the Procuring Contracting Officer

The HCaTS CO is the sole and exclusive GSA Government official with actual authority to administer and modify the HCaTS contracts terms and conditions, monitor contractor performance in the areas of contract compliance and contract administration, and assist the contractor and OCO on matters related to the HCaTS terms and conditions.

The OCO for each task order may designate a Contracting Officer Representative (COR) to perform specific administrative or technical functions. The specific rights and responsibilities of the COR for each task order shall be described in writing, which upon request, shall be provided to the contractor. A COR has no actual, apparent, or implied authority to bind the Government. OCOs may not transfer delegation of procurement authority to a non-delegated Contracting Officer.

What are some of the benefits of using HCaTS?

HCaTS is flexible, easy to use, and allows agencies to:

- Allows for all contract types at the task order level: Fixed-Price (all types), Cost-Type, Time-and-Materials, and Labor-Hour, including hybrid mixtures of contract types
- Utilize incentives, performance based measures
- Establish a CLIN structure tailored to individual task order requirements
- Help in achieving agency small business and socioeconomic goals
- Small business subcontracting plans have already been incorporated and administered by the HCaTS PMO office for other than small businesses
- Include Other Direct Costs (ODCs) and Ancillary Support at the task order level as needed
- Access templates and sample acquisition documents
- Acknowledge that responsibility determinations have already been completed for all contract holders in accordance with FAR Part 9, at the master contract level
- Share lessons-learned and best practices

Options for Accessing the HCaTS Contracts

Agencies can use HCaTS in two ways:

1. **Direct Buy:** Agencies with designated OCOs may issue orders directly against HCaTS; the only requirement is that the OCOs obtain a DPA certificate prior to using the HCaTS. The buying activity is responsible to conduct all the acquisition actions, from acquisition planning to task order completion and close out. If you consider using HCaTS via Direct-Buy, see the section “How to Begin Using HCaTS”.
2. **Assisted Acquisition Service (AAS):** Agencies may enter into a Memorandum of Agreement (MOA) with GSA to issue a task order. MOA’s can be for cradle-to-grave services. GSA has specific statutory authority under 40 U.S.C 501 to purchase supplies and non-personal services on behalf of other agencies. Therefore, the Economy Act does not apply to HCaTS orders. Additionally, AAS offers value-added, customized, acquisition, project management, and financial management services for large and/or complex solutions. To learn more about AAS, visit www.gsa.gov/r2assistedacquisition.

HCaTS Program Background

The General Services Administration (GSA) and the Office of Personnel Management (OPM) formed a partnership to jointly award and administer a strategically sourced contract vehicle for human capital and training solutions. Through this partnership, GSA is principally responsible for contract administration, while OPM is responsible for policy oversight.

HCaTS provides a common architecture and platform across the Federal Government for the acquisition of complex human capital and training requirements. The HCaTS Program Contracts are intended to provide human capital and training solutions through the effort of bona fide executive, administrative, and professional employees as defined in Part 541 of Title 29, Code of Federal Regulations (CFR).

Scope of HCaTS

HCaTS and HCaTS Small Business (HCaTS SB) contracts refer to the master contracts of which the applicable terms, conditions, and clauses flow down to all HCaTS task orders. The services covered under the HCaTS Program can span across three Key Service Areas (KSAs):

KSA 1: Customized Training and Development Services

KSA 2: Customized Human Capital Strategy Services

KSA 3: Customized Organizational Performance Improvement

Additionally, the scope allows for ancillary services and costs necessary to complete a total solution procurement. Services under the HCaTS Program may be commercial and/or non-commercial, classified and non-classified, CONUS and OCONUS. All HCaTS Task Orders must be within the scope of one or more of HCaTS' KSAs. Review Section C of the HCaTS Program Contracts for a complete description of the scope.

Out of Scope Services

The following requirements are prohibited under HCaTS scope:

- Inherently Governmental Functions – See *FAR Subpart 7.5* and *Office of Federal Procurement Policy (OFPP) Policy Letter 11-01*
- Personal services contracts – *FAR Paragraph 37.104(a)*
- Architectural & Engineering (A&E) Services subject to the Brooks Act and *FAR Part 36* acquisition procedures
- A requirement that primarily uses employees not employed in a bona fide executive, administrative, or professional capacity as defined in *29 CFR Part 541* and/or employees primarily employed as laborers or mechanics – *FAR Section 22.401*
- Requirements where the primary purpose is the development of information technology as defined by *FAR Section 2.101* and HCaTS Program Contracts Section C.3.3
- Requirements where the primary purpose is temporary services as defined by *FAR Section 37.112* and HCaTS Program Contracts Section C.3.4.

The Ordering Process

HCaTS is a Multi-award IDIQ contract; when using HCaTS, OCOs must follow FAR Subpart [16.5](#) for ordering processes. Additionally, OCOs shall follow FAR Subpart [16.3](#) and FAR Parts [30](#) and [31](#) for cost-reimbursement task orders unless an authorized exception applies. Fair opportunity procedures in accordance with FAR Paragraph [16.505\(b\)\(1\)](#) prescribed for the dollar value of the task order must be used. When the OCO plans to award a task order based on an exception to fair opportunity, applicable justifications and approvals in accordance with FAR Subpart [16.505\(b\)\(2\)](#) must be prepared and obtained.

Step 1: Acquisition Planning

Orders against MA-IDIQ contracts, such as HCaTS, are *not* exempt from Acquisition Planning as prescribed in FAR Part 7. Conduct market research for your requirement in accordance with regulations as you would do with any procurement. You are encouraged to issue Requests for Information (RFI), draft solicitations, and other documents to HCaTS contract holders as part of your market research efforts.

Generally, OCOs shall follow the ordering procedures in FAR Subpart 16.505. Unless an authorized exception applies, fair opportunity procedures prescribed for the dollar value of the task order must be used. When the OCO plans to award an order based on an exception to fair opportunity, applicable Justifications and Approvals should be prepared as part of the planning process. Any required notices and postings must also be issued.

Which HCaTS Vehicle to Use: HCaTS Unrestricted or HCaTS SB?

Which HCaTS vehicle you will use depends on the determination made in the acquisition planning process as to whether or not your requirement should be set-aside for small business. Agencies have differing standards, interpretations, and policies regarding set-aside determinations. GSA encourages the practice of considering the small business awardees to fill your requirement first. The determination to set-aside a procurement for small business or not is part of the acquisition planning process and to be done prior to contract type selection.

When a small business set-aside is to be accomplished, use HCaTS SB as these contracts are awarded exclusively to small businesses. When a small business set-aside will not be accomplished and Full and Open is appropriate, use HCaTS Unrestricted.

Set-Asides for Socioeconomic Competition under HCaTS SB

HCaTS Small Business (SB) is a total small business set-aside contract. All orders issued under HCaTS SB are automatically considered set-aside for small business as only small businesses were awarded an HCaTS SB contract.

Except as otherwise stated in the 8(a) instructions section below, or unless the order solicitation explicitly requires size/socioeconomic recertification at the order level, the OCO shall rely on the size/socioeconomic status shown in the HCaTS SB Contractor List available here: www.gsa.gov/HCaTS. All HCaTS SB Contractors' size/socioeconomic status remains unchanged for each of their HCaTS SB contracts unless modified by a FAR 52.219-28 re-representation or due to a novation, merger, or acquisition IAW HCaTS Contracts Section G.3.10.

The OCO has discretionary authority under FAR 19.502-4(c) and FAR 16.505(b)(2)(F) to further set-aside orders for any of the small business concerns identified in FAR 19.000(a)(3) when it is anticipated that quotes will be obtained from at least two eligible small business concerns for which the order is to be set-aside.

- 8(a) Small Business participants (See "Special Instructions Regarding Orders Set-Aside for 8(a) Competition" in the next section)
- HUBZone Small Business concerns
- Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns
- * Economically Disadvantaged Women-Owned Small Business (EDWOSB) concerns
- * Women-Owned Small Business (WOSB) concerns

* EDWOSB and WOSB competitive set-asides are subject to specific NAICS industry groups in which EDWOSBs and WOSBs are underrepresented. The eligible NAICS Codes for EDWOSB and WOSB set-asides are subject to change by the SBA. See sba.gov/wosb for the updated list of NAICS Codes to determine HCaTS SB Pool NAICS availability for EDWOSB or WOSB set-asides.

Small businesses retain their small business size status and socio-economic status (with the exception of 8(a) contractors that have exited the 8(a) program) for the 5-year base period under HCaTS SB. If a contractor exits the 8(a) program during the course of a task order period of performance, they maintain their 8(a) status for that task order as long as it was awarded while the vendor was still active in the program. Accordingly, OCOs should not use SAM to determine the size status applicable to an HCaTS SB vendor. For HCaTS contractors, OCOs should use the spreadsheet found at gsa.gov/hcats under "Who is on HCaTS" in order to determine the socioeconomic status of companies. When setting aside orders for socio-economic concerns, the specific small business program eligibility requirements identified in FAR Part 19 apply. For 8(a) task orders, OCOs can verify that a vendor is still active within the 8(a) program by referring to SAM.gov.

Per FAR 19.000(a)(3), small business concerns eligible for competitive set-aside are identified as follows:

HCaTS SB and 8(a)					
Action	Allowable	Credit with 8(a) program	Credit for Small Disadvantaged	SBA Offer & Acceptance Required?	Citations
Set aside an order for 8(a) Business Development Program Participants who hold an HCaTS contract	Yes	Yes	Yes	Yes	FAR 19.804-6(a) FAR 16.505(b)(2)(F)

Direct Award (Sole Source) to 8(a)	No	n/a	n/a	n/a	13 CFR 124.503(h)(2)(ii)
Award an order to a contractor designated as an 8(a) SDB under the HCaTS contract, without setting aside the order	Yes	No	Yes	No	

Special Instructions Regarding Orders Set-Aside for 8(a) Competition

The HCaTS SB contract was not set aside for participants in SBA’s 8(a) Business Development (BD) Program. At their discretion, Contracting Officers may set aside orders for 8(a) program participants, per FAR 19.502-4(c) and FAR 16.505(b)(2)(F). In accordance with FAR 19.804-6(a), an individual order must be offered and accepted by SBA into the 8(a) program at the task order level, if the multiple award contract was not set aside for exclusive competition among 8(a) contractors. OCOs should follow the offer/acceptance procedures as provided in their agency’s SBA Partnership Agreement.

NOTE: Orders issued to 8(a) Business Development participants will count toward the ordering agency’s Small Disadvantaged Business (SDB) goals.

Suggested Solicitation Language: Below is suggested solicitation language when setting aside orders for 8(a) competition under HCaTS SB:

“This task order under HCaTS SB is 100 % set-aside for 8(a) SBA Business Development Program Participants. Only HCaTS SB contractors designated as an 8(a) Small Disadvantaged Business in their HCaTS SB contract are eligible to compete.”

Competition Considerations

Keep in mind that setting aside orders to SBA 8(a) Business Development Program (BD) participants may reduce competition, as it requires verification from SBA prior to the award of an order, that a concern is an eligible 8(a) participant in accordance with 13 CFR 124.503 (h)(2)(iv). As a result, HCaTS SB 8(a) contractors whose 8(a) program term has expired will be ineligible for award of the order.

NOTE: For orders awarded in accordance with FAR 19.8, and not specifically set aside for 8(a) BD participants, ordering agencies will receive credit toward their SDB goals for awards made to contractors designated as 8(a) under the HCaTS contract, regardless of their current status in the 8(a) program. According to FAR 19.804-6 (c), “agencies may continue to take credit toward their prime contracting small disadvantaged business or small business goals for orders awarded to 8(a) participants, even after the contractor’s 8(a) program term expires, the contractor otherwise exits the 8(a) program, or the contractor becomes other than small for the NAICS code assigned under the 8(a) contract.” Note however, that if an 8(a) contractor re-represents as other than small in accordance with FAR 19.301-2, the ordering agency may not credit subsequent orders to that contractor towards the agency’s small disadvantaged business or small business goals.

In the event of any regulatory changes during the duration of HCaTS SB, the HCaTS CO reserves the right to unilaterally modify HCaTS SB to reflect the change at no additional cost to the Government.

How to Set-Aside for 8(a) and Receive 8(a) Credit

Step i. Determine your requirements:

A. Determine the anticipated total value of the task order, including options.

> If your requirement exceeds the \$4 million competitive threshold, then determine if a competitive 8(a) set-aside can be accomplished [IAW FAR Subpart 16.505(b)(2)(i)(F)]. No justification is required by the FAR when using fair opportunity Exception (F).

B. Determine the service category(ies) needed for task order performance.

> Competitive 8(a) Set-Aside: There must be 2 or more HCaTS contract holders with active 8(a) status for EACH of the service categories required for your task order.

Step ii. Research your procurement's history:

If the requirement has been procured previously, or is not a new requirement, it is important to know the procurement history. Requirements that have previously been awarded to an 8(a) company are required to stay within the 8(a) program, unless released by the SBA. However, that does not mean they are required to be awarded to the incumbent 8(a) company.

There are circumstances in which a requirement can be released from the 8(a) program. SBA regulations at 13 CFR 124.504(d), Release for non-8(a) competition, requires the procuring activity to submit a written request to, and receive concurrence from, the Associate Administrator for the Office of Business Development (AA/BD) to be released from the 8(a) program. In addition to other factors that SBA will consider in releasing a requirement, SBA will not concur unless the procuring activity agrees to procure the requirement as a small business, HubZone, SDVOSB, WOSB set-aside. Follow-on or re-compete contracts:

- If there is 8(a) availability under HCaTS SB for the requirement, the OCO can conduct an 8(a) procurement under HCaTS SB and a release is not required from the 8(a) program.
- If the OCO cannot conduct an 8(a) procurement under HCaTS SB but can set-aside the requirement for a socio-economic category on HCaTS SB, the OCO must obtain concurrence from the AA/DB to be released from the 8(a) program.

Step iii. Evaluation, Offering and Acceptance:

Once the decision has been made to do an 8(a) procurement under HCaTS SB, "evaluation, offering, and acceptance" (FAR Subpart 19.804) must be completed at the 8(a) HCaTS SB task order level in order to receive 8(a) credit. Follow the offer/acceptance procedures for your agency detailed by SBA. This process is not unique to HCaTS, but is required for any procurement under the 8(a) program. This is only required for procurements that are specifically for the 8(a) program. This is not a required step for an 8(a) vendor to receive an award under a small business set-aside of any other socioeconomic type. The

OCO should consider this when planning the acquisition timeline. FAR Subpart 19.804 prescribes the steps for this process.

Task Order Contract Types

Subject to FAR and agency level required consideration criteria, limitations, and/or prohibitions, you may use any appropriate contract type(s) including:

- Fixed-Price, all types
- Cost-Type
- Time-and-Materials
- Labor-Hour
- Hybrid of any of these types

If you elect to use a hybrid of contract types, please use a separate line item number for the work under each contract type and annotate each line item with the associated contract type. This is important for clause implementation.

Assign a NAICS Code to Each Order

The OCO may use the IDIQ Contract primary NAICS at the task order level or select a more specific NAICS depending on the requirement. The chart below identifies the HCaTS NAICS codes for both Pools with the primary NAICS code for each Pool appearing in bold type font:

POOL 1: \$12M SIZE STANDARD	
NAICS	TITLE
611430	Professional and Management Development Training
611699	All Other Miscellaneous Schools and Instruction
624310	Vocational Rehabilitation Services
POOL 2: \$16.5M SIZE STANDARD	
NAICS	TITLE
541611	Administrative Management and General Management Consulting Services
541612	Human Resources Consulting Services
541613	Marketing Consulting Services
541618	Other Management Consulting Services
611710	Educational Support Services

Task Order Funding and Funding Limitations

All task orders must be funded by the agency with the requirement. However, task orders placed under the HCaTS Program may not be used to circumvent conditions and limitations imposed on the use of funds (FAR *Paragraph* [16.505\(a\)\(8\)\(ii\)](#)).

Minimum and Maximum Order Limitations

The minimum per-order limitation on HCaTS contracts is at the micro-purchase threshold as defined by FAR *Subpart* [2.101](#). The Government is not obligated to purchase and the contractor is not required to furnish services valued at less than the micro-purchase threshold. The maximum dollar amount for HCaTS contracts, including all options, if exercised, is \$3.45 billion for Pool 1 and \$2.3 billion for Pool 2.

Task Order Size Representation

The HCaTS PMO maintains a list on the HCaTS website (under “Who is on HCaTS”) that provides the business size classification for each contractor as it pertains to their HCaTS contract.

Task Order Duration

The period of performance for each task order awarded under an HCaTS contract shall be specified in the task order in accordance with FAR *Paragraph* [16.505\(c\)](#). Task orders shall be solicited and awarded prior to the expiration of the HCaTS contracts’ ordering periods and may extend (including option periods) up to 5-years and 6-months beyond the ordering period (if FAR *Clause* [52.217-8](#) Option to Extend Services is included in the task order). After the HCaTS contracts expire, they will remain active for administration purposes only.

Task Order Small Business Size Representation

The HCaTS PMO maintains the list of contractors on the HCaTS PMO website that provides the Small Business Size Standards and socio-economic categories for each contractor as it pertains to its HCaTS contract.

Labor Categories for Task Order Work

The list of HCaTS Labor Categories and Definitions is found in Attachment J.1, HCaTS Standardized Labor Categories (LCAT). Each Labor Category identifies the specific Standard Occupational Classification (SOC) occupations mapped to that Labor Category. Except for ancillary labor as defined under HCaTS Program Contracts Section B.3, when responding to a request for proposal under task order solicitations, regardless of contract type, the Contractor shall identify the LCATs and corresponding SOC System Number. The Contractor may deviate from the requirements listed below, however the contractor must clearly identify the deviation in its proposal; additionally OCOs must document and make a proper adjustment in a follow-on fair and reasonable price determination and other documents as necessary.

The following qualification substitution chart from the HCaTS contracts Section B.2.1 applies:

Degree	Experience Substitution	Degree and Experience Substitution
Bachelor's Degree	Six years of relevant work experience	Associate's Degree plus four years of relevant work experience
Master's Degree	12 years of relevant work experience	Bachelor's Degree plus eight years of relevant work experience
Doctorate Degree	20 years of relevant work experience	Bachelor's Degree plus 16 years or a Master's Degree plus 12 years of relevant work experience

OCO's shall evaluate any identified deviations from the HCaTS definitions of Junior, Journeyman, Senior, and Subject Matter Expert (SME). As part of that evaluation, the OCO should consider any potential impacts on the agency's requirements in terms of performance and price and document the rationale for acceptance of any proposed deviation.

The OCO shall identify each ancillary support service and ODC by a separate CLIN on the task order award as described below. The task order solicitation should provide instructions to Offerors on how to identify and call attention to the intent to use ancillary professional labor. The proposal should include, at a minimum:

- The proposed labor category title
- Expertise and qualifications required by the specialized labor category
- Duties to be performed by the specialized labor
- Segment of the statement of work that the specialized labor will perform with references to statement of work sections
- An explanation of why the specialized labor is required with a discussion of which HCaTS LCATs in HCaTS Program Contract Section J.1 (Standardized Labor Categories) were considered and why they were not appropriate or did not fit the task order requirements
- A discussion of the BLS SOC occupations that were examined to determine if the specialized labor could be mapped to a BLS SOC occupation as applicable

NOTE: If the agency determines during requirements development that specialized professional labor would be required to support segments of the task order work, it should be stated in the task order solicitation and should, at a minimum, include the elements discussed above. This ensures that all Offerors use the same vocabulary and can easily be compared with one another.

Important NOTE: Contractors may deviate from the definitions above when responding to task order solicitations so long as the deviations are clearly identified in their task order proposal. For example, a Contractor might label an employee as "Senior", but the employee does not have a college degree. Likewise, a Contractor might label an employee as "SME" even though the employee has less than 2 years of experience. Deviations shall be clearly identified and properly priced in proposals submitted in response to task order solicitations.

Other Direct Costs (ODC) and Ancillary Support

ODC support, integral and necessary as part of a total integrated solution within the scope of HCaTS for which there is not a labor category specified in the Attachment J.1 or includes other direct costs such as

travel, materials, equipment, subcontractors, etc., to obtain a total service solution, are allowable costs and may be included within an individual task order under HCaTS. The Contractor should propose and identify each other direct cost separately and the OCO should identify each ODC support service or other direct cost by a separate CLIN in the task order award. Agencies should follow agency specific policies as well as FAR Subpart 16.505 and FAR Part 6 regarding competition requirements as it relates to ODCs.

Security Clearance Considerations for Classified Orders

The task order solicitation should clearly express all requirements for security clearances, both facility and personnel. All classified handling procedures shall be adhered to at all times.

Labor on T&M and L-H Task Orders

The Contractor may provide separate and/or blended loaded hourly labor rates for prime Contractor labor, each Subcontractor, and each Division, Subsidiary, or Affiliate in accordance with the provisions set forth in FAR 52.216-29, FAR 52.216-30, or FAR 52.216-31. The OCO must identify which provision is applicable in the task order solicitation and Contract Line Item Number (CLIN). T&M and L-H task orders require the HCaTS Standardized Labor Categories and their associated rates to be identified in the task order award document. ODC subcontract labor shall be proposed and awarded as Materials in accordance with FAR 52.232-7, Payments under T&M and L-H contracts.

When preparing solicitations for T&M and L-H task order line items, in the task order solicitation, the OCO must include the provision FAR 52.216-31 Time-and-Materials/Labor-Hour Proposal Requirements-Commercial Item Acquisition.

For organizations within DoD, when selecting FAR 52.216-29, the OCO must also select the appropriate DFAR clause (such as 252.216-7002, Alternate A). OCOs shall always follow their agency's internal guidelines including required justifications and/or approvals for use of this contract type.

NOTE: Only for **Sole-source** T&M and L-H task orders, the pricing associated with the HCaTS Labor Categories can be used as a ceiling price point. Request the pricing from HCaTS PMO office for your sole-source T&M, L-H task order. The pricing is fully burdened, and has ceiling rates that do not change with the delivery location for exempt (professional) labor categories. Contractors may offer pricing that is lower than the ceiling rates at the task order level.

Service Category Labor Standards (SCLS)

The HCaTS labor categories are subject to the Service Category Labor Standards (SCLS) (formerly known as Service Contract Act/SCA) in accordance with FAR Subpart 22.10 and other applicable agency specific regulatory supplements. The OCO must identify such work in the task order solicitation and make a determination as to whether the SCLS wage determinations are to be applied or not. HCaTS includes clauses applicable to any SCLS work that is within the scope of HCaTS.

FAR Clause 52.204-14, Service Contract Reporting Requirements

The OCO shall insert the clause at [52.204-14](#), Service Contract Reporting Requirements, in solicitations and contracts for services (including construction) that meet or exceed the thresholds at [4.1703](#). This clause is not required for actions entirely funded by DoD, contracts awarded with a generic entity identifier, or in classified solicitations, contracts, or orders.

For task orders subject to the Service Contract Reporting Requirements, contractors must provide information on the Full-Time Equivalent (FTE) employee hours invoiced against the contract by the prime contractor and any subcontractors. In addition, OCOs must keep the track of the annual reporting; follow up with delinquent contractors regarding their obligation to report, and exercise appropriate contractual remedies.

Rights in Data

The following Rights in Data Clauses are incorporated into HCaTS Program Contracts: FAR *Clause* [52.227-14](#) Rights in Data—General and FAR *Clause* [52.227-17](#) Rights in Data—Special Works. The OCO should ensure that the applicable *Rights in Data* clause(s) is (are) clearly assigned in each task order solicitation and resulting task order.

Contract Access Fee (CAF)

The HCaTS CAF shall be included in each task order under a separate and distinct line item for the base year and each option period (if applicable). In response to all task order solicitations, regardless of contract type, the Contractor shall always propose a CAF rate of 0.75% of the total contract value, including ODCs, travel, options, etc.

The CAF is to be included on each invoice as 0.75% of the total invoiced charges. The CAF will be paid by the customer agency to the Contractor. The Contractor will report and submit (quarterly) the collected CAF to GSA.

NOTES: For task orders awarded before 1 August 2018; the CAF remain as a 2% fixed fee; however, OCOs must change the CAF from 2% to 0.75% at the time of the next option year that will be exercised on or after 1 August 2018. If an option to the task order will not be exercised on or after 1 August 2018, the CAF remain as 2% until the completion of the current base year or option year.

Visit our website for CAF updates, exceptions, or agency specific CAF agreements, if any.

Other Significant Planning Considerations

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

- Economy Act - does not apply to HCaTS task orders; GSA is specifically authorized by law to purchase supplies or non-personal service on behalf of other agencies. No documentation is required unless mandated by your agency's policy.

- Inherently Governmental Functions - FAR 7.503(e) stipulates that the 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.
- Personal Services - 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. Personal services are NOT authorized on HCaTS.
- Performance-based contracting methods are preferred
- Identify and evaluate potential organizational conflicts of interest (COI).
- Preparation of a Quality Assurance Surveillance Plan and identification of performance metrics, as applicable.
- Tailor the Evaluation Factors and Source Selection Methodology as applicable to your requirement

HCaTS Tools and Planning Resources

As an authorized user of HCaTS, agencies have access to a number of tools and resources found in the HCaTS Resource Directory which can be accessed through www.gsa.gov/hcats. These resources are constantly being edited, changed and updated to better assist agencies with their requirements.

Scope Determination:

If you are not sure whether HCaTS can support your requirement:

The HCaTS PMO offers a complementary scope review; submit your request through gsa.gov/hcats, under "Pre-Award Scope Review". GSA offers and strongly encourages OCOs to take advantage of task order pre-solicitation scope reviews. This review will ensure your requirement is being placed under the appropriate contract vehicle and pool.

- Issue a Request for Information (RFI) under the HCaTS vehicles. Download the HCaTS RFI template from gsa.gov/hcats under "Resource Directory". The process of issuing the RFI is similar to issuing an RFP; refer to the ordering process, *Step 3: Issue a Solicitation*.
- Review HCaTS contractors Capabilities Statements available on gsa.gov/hcats under "Who is on HCaTS".

Step 2: Define the Requirements

Requirements Development Support Resources

Agencies have access to a considerable array of support resources during the requirements development phase. GSA's AAS may be available to support your agency in task order solicitation, including defining your requirements and developing the solicitation package.

Price Estimating and Developing IGCE

GSA has developed a number of automated pricing tools to assist in developing various programs task order IGCEs, below are a few examples:

- Discovery Tool (<https://discovery.gsa.gov/>): information on all HCaTS contract holders and streamlines the process for developing acquisition planning.
- Contract Awarded Labor Categories (CALC) Tool (<https://calc.gsa.gov/>): helps find awarded prices to use in negotiations for labor contracts. It offers ceiling prices, fully burdened costs, services data, and worldwide rates.
- OASIS Price Estimating Tool (PET) (<https://oasispet.gsa.gov/>): assists in the development of the labor portion of the IGCE. Its power lies in the ability to index pricing to approximately 640 precise geographic locations. It was originally developed for other program (OASIS) at GSA, but HCaTS labor categories are available there as well.

Developing the Solicitation

Use the solicitation form and format for task orders normally prescribed and used by your agency for task order solicitations, consistent with FAR 16.505 procedures. In accordance with FAR 16.505(b)(1)(ii) Fair Opportunity, "the contracting officer should keep submission requirements to a minimum." FAR 16.505(b)(1) states that the contracting officer must: (A) Develop placement procedures that will provide each awardee a fair opportunity to be considered for each order and reflect the requirement and other aspects of the contracting environment; (B) Not use any method (such as allocation or designation of any preferred awardee) that would not result in a fair consideration being given to all awardees prior to placing each order; (C) Tailor the procedures to each acquisition; (D) Include the procedures in the solicitation and the contract; and (E) Consider price or cost under each order as one of the factors in the selection decision. FAR 16.505(b)(1) also provides additional Fair Opportunity requirements for different dollar thresholds. Please be sure to reference the FAR during solicitation development.

In addition to the typical content of your solicitation, certain information particular to using HCaTS appropriately should be added, emphasized, or highlighted in your solicitation. That information will be discussed and explained in the succeeding paragraphs. A Task Order Solicitation Template (optional) and additional samples are available on gsa.gov/hcats under "Resource Directory".

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

- Applicable NAICS, Product Service Code (PSC), and Service Category(ies) covered
- SOW/PWS/SOO

- Contract Line Item Number Information and Contract Type(s)
- Evaluation Factors and Source Selection Methodology
- Period of Performance and Place of Performance
- Proposal Due Date and Submittal Instructions
- Other Pertinent Information (for example: agency specific clauses, optional clauses, etc.)

Clauses and Provisions

All applicable and required provisions/clauses set forth in FAR 52.301 automatically flow down to all HCaTS task orders, based on their specific contract type, statement of work, and dollar value. All applicable and required provisions/clauses that automatically flow down to task orders shall remain unchanged throughout the entire period of performance under HCaTS. If future applicable or required provision/clause are to the benefit of future task orders solicited under HCaTS, the future applicable or required provision/clause may be updated by FAC No. and effective date under a bilateral modification to the HCaTS contracts.

In accordance with FAR 8.005, the OCO shall, “Insert the clause at 52.208-9, Contractor Use of Mandatory Sources of Supply and Services, in solicitations and contracts that require a contractor to provide supplies or services for Government use that are on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled.” For certain task orders where supplies are anticipated to be supplied for use by the Government, the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled is a mandatory source of supply and should be checked to see if these supplies are available from this source.

The OCO may identify any optional and/or agency-specific provisions/clauses for each individual task order solicitation and subsequent award. The OCO must provide the provision/clause Number, Title, Date, and fill-in information (if any), as of the date the task order solicitation is issued.

Evaluation Factors

In accordance with FAR 16.505(b)(1)(ii), the policies in FAR Subpart 15.3 (Source Selection) **DO NOT** apply to the MA-IDIQ ordering process. In addition, *“The contracting officer may exercise broad discretion in developing appropriate order placement procedures. The contracting officer should keep submission requirements to a minimum. Contracting officers 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.

Step 3: Issue the Solicitation

Methods of Issuing the Task Order Solicitation

A Task Order Solicitation under HCaTS may be issued by:

- Posting an RFP on GSA's e-Buy at <http://www.ebuy.gsa.gov> (**preferred method**)
- Emailing an RFP directly to all contractor* points of contact in the relevant vehicle/pool and copy hcats@gsa.gov and/or sbhcats@gsa.gov.
- If a sole source or direct award, email directly to the selected Contractor*

*The HCaTS contractor lists available on gsa.gov/hcats.

The task order RFP must be sent to all Contractors within a given Pool. In accordance with FAR 16.505(b)(1)(i) Fair Opportunity, "The contracting officer must provide each awardee a fair opportunity to be considered for each order exceeding \$3,500 issued under multiple delivery-order contracts or multiple task-order contracts, except as provided for in paragraph (b)(2)."

For a sole source or direct award, FAR Paragraph [16.505\(b\)\(1\)](#) applies for the fair opportunity notification requirement.

Important Note: OCOs may not issue a RFP or RFI under more than one vehicle and one pool at a time.

Contractors in Dormant Status

HCaTS contractors may be placed in Dormant Status while they develop corrective measures for the HCaTS Program CO to review and approve as defined under HCaTS Program Contracts Section H.25. During dormancy, Contractors may continue to work on existing task order awards, but are prohibited from competing for new task order awards. GSA will maintain a list of Contractors in Dormant Status. Prior to award, OCOs must check the contractor list located on gsa.gov/hcats to verify the dormancy status of the potential awardee.

Step 4: 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.

Price Fair and Reasonable 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. Generally, no additional pricing data from the Offeror will be needed if there is adequate price competition in accordance with FAR [Section 15.402](#).

OCO are encouraged to negotiate additional discounts off of the awarded rates (FAR Subpart 15.3 does not apply!).

NOTE: All costs associated with the preparation, presentation, and discussion of the Contractor's proposal in response to a task order solicitation will be at the Contractor's sole and exclusive expense. Vendors shall not seek reimbursement for proposal preparation costs at the task order level.

Step 5: Award the Task Order

Order Award Documentation

Document your task order awards in accordance with regulation and local policy.

GSA Task Order Award and Modification Information

The OCO is encouraged to submit all task order award and modification data within 30 calendar days to the HCaTS Program Office at hcats@gsa.gov for orders awarded under Unrestricted contracts or sbhcats@gsa.gov related to Small Business contracts.

Public Notice of Awards Not Providing for Fair Opportunity

For orders based on an exception to fair opportunity, the OCO must post the required public notice in accordance with the procedures found at FAR 16.505(b)(2)(ii)(D). Note the actions excluded from this requirement are disclosures that would compromise national security and small business set-asides authorized by FAR Paragraph 16.505(b)(2)(i)(F).

Order Level Protests

The OCO is encouraged to contact the HCaTS PMO for any HCaTS related assistance including 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. FAR Paragraph 16.505(a)(10) prohibits protests under FAR subpart 33.1 in connection with the issuance or proposed issuance of task orders against an MA-IDIQ contract 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 orders valued in excess of \$10 million.

FAR 16.505(a)(10)(i)(B) grants sole authority to hear protests of orders in excess of \$10 million and filed in accordance with the procedures at FAR subpart 33.104 to the GAO.

Ombudsman

At the IDIQ contract level, subject to GSAM 552.216-74, GSA has appointed the required Ombudsman to resolve complaints related to fair opportunity in the ordering process consistent with the procedures of HCaTS and to review HCaTS CO decisions to place Contractors in Dormant Status. There are two primary duties of the Ombudsman: (1) To review complaints from Contractors and ensure that they are afforded a fair opportunity for consideration in the award of task orders consistent with the procedures of HCaTS, and (2) To review an HCaTS CO decision to place a Contractor in Dormant Status.

For more information about GSA's Procurement Ombudsman visit gsa.gov/ombudsman.

Reporting Task Order Awards in FPDS-NG

Task order awards shall be reported in the Federal Procurement Data System – Next Generation (FPDS-NG) within 3 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), as the Service Contract Reporting (SCR) link in SAM.GOV is activated based on FPDS-NG data. It is important that each HCaTS task order is reported as an order under the correct HCaTS contract number, identifying the appropriate NAICS Code and PSC. Use the following NAICS Code to report the task orders in the FPDS-NG system:

- Predominant NAICS Code for Pool 1: 611430
- Predominant NAICS Code for Pool 2: 541612

It is also important that FPDS-NG accurately reflects the requirements ordered and task order solicitation procedures used to award task orders under HCaTS. To ensure that your agency gets proper credit for your awards, make sure your FPDS-NG reports accurately reflect the appropriate values in all fields related to award data.

Post-Award Survey

Approximately within 30 days after a task order award under HCaTS, the HCaTS PMO will send a survey from to the awarding CO to collect information regarding the acquisition process and the offers. This survey is required for the HCaTS program data transactional report.

Step 6: Task Order Administration

Reporting Modifications in FPDS-NG

All task order modifications involving price or scope changes 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), as the Service Contract Reporting (SCR) link in SAM.GOV is activated based on FPDS-NG data.

Reporting Modifications to GSA

Within 30 days after awarding a task order modification involving price or scope changes, use the form at Appendix H, Task Order Modification Information Form to report the action to GSA.

Subcontracting and Limitations on Subcontracting

FAR Clause 52.219-14, Limitations on Subcontracting (Jan 2017), incorporated by reference at the MA-IDIQ contract level and will be monitored and enforced by the HCaTS PMO.

Performance Evaluation

Each OCO is responsible for ensuring that the contractor's performance on each order is reported in CPARS in accordance with the policies in FAR Subpart 42.15. 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 in placing contractors in dormant status.

Step 7: Task Order Closeout

The OCO is responsible for closing out their task orders. Task order files shall be closed out in accordance with the procedures in FAR *Subsection* [4.804-1](#). The procedures prescribed in FAR *Subsection* [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 *Section* [42.708](#).

HCaTS TOOLS & RESOURCES

HCaTS tools have been developed to assist you in effectively and efficiently acquiring complex, integrated building maintenance and operations services to provide total solutions to your agency's mission requirements. The website can be accessed at gsa.gov/hcats

Send your questions regarding the ordering process to hcats@gsa.gov or sbhcats@gsa.gov.

The website contains information and support resources such as:

- The HCaTS Contracts
- Attachment J.1, HCaTS Standardized Labor Categories (LCATs)
- **Templates:** Request For Information (RFI), Task Order Solicitation, Task Order Statements of Work
- Listings of HCaTS contractors that include Key Personnel contact information, Company's address, socio-economic and dormancy status
- HCaTS Contractors' Capability Statements
- **Pre-Award Scope Review** requests
- The Ordering Guide
- HCaTS Overview Slides
- Link to the Acquisition Gateway
- IGCE and Price Fair and Reasonableness Determination Tools for Labor rates- under "Research Tool"
- HCaTS Training and Delegation of Procurement Authority (DPA) requests