

ACQUISITION ADVISORY PANEL

Meeting Minutes

February 23, 2006

The White House Conference Center

Washington, D.C.

The Acquisition Advisory Panel (AAP) convened its seventeenth meeting on February 23, 2006 in the Truman Room of the White House Conference Center (WHCC), Washington, D.C. Ms. Marcia Madsen, Chair of the AAP, opened the meeting at approximately 10:12 AM.

The Chair welcomed everyone to the meeting and noted that the Panel was moving forward with adoption of provisional recommendations following eleven months of work, and testimony by 90 witnesses. She explained that the day's agenda included partial recommendations for consideration from the Interagency Contracting Working Group, follow-up from the Small Business Working Group, and presentations by the Director of Contracts & Acquisition Management of the Department of Education (ED), and the Program Manager for the Integrated Acquisition Environment responsible for the Federal Procurement Data System - Next Generation (FPDS-NG).

Ms. Madsen stated that the Small Business and the Interagency Contracting Working Groups would brief their preliminary recommendations. Ms. Madsen remarked that the remaining Working Groups would provide preliminary recommendations at later AAP meetings, the next one having been scheduled for March 17th at the WHCC facility.

The guest speakers and their affiliations were as follows:

<u>Presenter</u>	<u>Affiliation</u>	<u>Attachment</u>
Mr. Glenn Perry	Director of Contracts & Acquisition Management, ED	No Attachment
Ms. Teresa Sorrenti	Program Manager, Integrated Acquisition Environment	Attachment 3

The Working Group updates were as follows:

<u>Presenter</u>	<u>Working Group</u>	<u>Attachment</u>
Mr. Jonathan Etherton	Interagency Contracting	Attachment 1
Mr. David Javdan	Small Business	Attachment 2

The Designated Federal Officer (DFO), Ms. Laura Auletta, called the roll. The following Panel Members were present:

Mr. Frank J. Anderson, Jr.
Dr. Allan V. Burman
Mr. Carl DeMaio
Mr. Marshall J. Doke, Jr.
Mr. Jonathan Lewis Etherton

Mr. James A. (Ty) Hughes, Jr.
Mr. David A. Javdan (arrived at 11:28)
Ms. Deidre A. Lee
Ms. Marcia G. Madsen
Mr. Joshua I. Schwartz (arrived at 10:58)
Mr. Roger D. Waldron (arrived at 11:02)

The following Panel Members were not in attendance:

Mr. Louis Addeo
Mr. David A. Drabkin
Mr. Thomas Luedtke

Interagency Contracting Working Group Presentation

Ms. Marcia Madsen, Chair of the Panel, recognized Mr. Jonathan Etherton, Interagency Contracting Working Group Co-Chair, for presentation of that Group's report. He acknowledged his Co-Chair, Frank Anderson, Working Group members, and members of their staffs who had helped the Group, and presented the Group's preliminary recommendations to the Panel (Attachment 1). Mr. Etherton identified the following findings:

1. Overall, there is some proliferation of interagency contracts across Federal Government acquisition activities
2. There is no all-encompassing source of information on existing interagency contracts, multi-agency contracts and enterprise-wide contracts
3. There is no consistent oversight on how and when interagency contracts are created and reauthorized
4. There is no requirement for agencies to report interagency contract formation, so there is little or no coordination across and among the various contracts
5. There is a lack of standards for creation and continuation of the contracts
6. There is no procedure for aligning contracts to leverage Government buying power
7. Proliferation and concurrent lack of oversight, standards and control encourages incentives for creation of the contracts that do not always align with maximization of benefits to taxpayers
8. Diversity of approaches evidenced in the variety of interagency contracts is a desirable outcome

Mr. Etherton then presented the following recommendations:

1. Increase transparency through identification of vehicles (e.g., GWACs, MACs, or enterprise-wide) and Assisting Entities. OMB should conduct a survey of existing vehicles and Assisting Entities to establish a baseline.
2. Make available the vehicle and Assisting Entity data for three distinct purposes:
 - a. Identification of vehicles and the features they offer to agencies in meeting their acquisition requirements ("yellow pages")
 - b. Use by public and oversight organizations to monitor trends in use:
 - i. Improved granularity in fee calculations

- ii. Standard FPDS-NG reports
 - c. Use by agencies in business case justification analysis for creation and continuation/reauthorization of vehicles
- 3. The Office of Management & Budget (OMB) should institutionalize collection and public accessibility of the information through, for example, a stand-alone database or module within transactions-based FPDS-NG.
- 4. OMB should direct a review and revision, as appropriate, of the current procedures for the creation and continuation/reauthorization of GWACs and Franchise Funds to require greater emphasis on meeting specific agency needs and furthering the overall effectiveness of governmentwide contracting. The General Services Administration (GSA) should conduct a similar review of the Federal Supply Schedules. Any revised procedures should include a requirement to consider the entire landscape of existing vehicles and entities to avoid unproductive duplication.
- 5. For other than the vehicles and entities described above, OMB should institute a requirement that each agency, under guidance issued by OMB, formally authorize the creation or expansion of the multi-agency contracts, enterprise-wide vehicles, and Assisting Entities under its jurisdiction.
- 6. OMB should require that the cognizant agency, under guidance issued by OMB, formally authorize the continuation/reauthorization of the vehicles and entities addressed in these recommendations on an appropriate recurring basis consistent with the nature or type of the vehicle or entity. The criteria and timeframes included in the OMB guidance should be distinct from those used in making individual contract renewal or option decisions.
- 7. The existing OMB interagency task force should be tasked with defining the process and the mechanisms anticipated by these recommendations.
- 8. The Working Group put together a detailed listing of what should be included in the OMB policies, procedures, and requirements (available in Working Group documents at AAP web site).
- 9. OMB should provide a detailed analysis of the effectiveness of Panel recommendations and agency actions in addressing the findings and deficiencies identified in the AAP report. This analysis should occur no later than five years after initial implementation of the recommendations, with an interim report after three years. The analysis should also include identification of any unintended consequences of implementing the recommendations.

The Chair opened the floor for comments and questions from Panel Members, who subsequently discussed the following with respect to the recommendations:

- Specific elements of the survey contemplated by the recommendations
- Method for assisting agencies to calculate fees for service
- Use of business case analysis
- Level and method of oversight appropriate for assisting agencies, including sunset provisions in the interagency contracts because of concern over more proliferation and overlap
- Compliance with new guidance on creation/reauthorization of interagency contracts.

The Panel voted on the Interagency Contracting Working Group recommendations as follows:

1. Unanimously adopted;

2. Unanimously adopted;
3. Unanimously adopted;
4. Voted to adopt, with Mr. Doke abstaining, and Mr. DeMaio voting not to adopt;
5. Unanimously adopted;
6. Unanimously adopted;
7. Unanimously adopted;
8. Voted to adopt, subject to a modification of the original wording, and with Mr. Doke abstaining;
9. Unanimously adopted in principle, subject to further Working Group clarification of language reflecting issues discussed by the Panel.

The Panel Chair thanked the Working Group, and recessed the meeting for lunch at 12:03 PM.

Presentation by Guest Speaker, Mr. Glenn Perry, U.S. Department of Education (ED)

The meeting reconvened at 1:15 PM, and the Panel Chair introduced Mr. Glenn Perry, Director of Contracts and Acquisition Management, ED, to talk about performance-based contracting and blended workforce issues.

Mr. Perry's presentation covered the following topics:

- The extent to which ED has moved to a performance-based workplace model
- The Department's use of a blended workforce
- Flexibilities of a blended workforce
- Core competencies for the civil service in a blended workforce environment
- Definition of inherently governmental functions
- Definition and rules concerning personal services
- Use of performance-based methods for applied research contracts
- The importance of communication in an interagency contracting scenario

Ms. Madsen opened the floor for comments and questions from Panel Members. Panel Members asked questions regarding ED's experiences using interagency contracts and the level of competition under those contracts. Mr. Perry stated that ED requires head-to-head competition with at least adequate, limited competition because the pricing on interagency contracts is not based on anything particularly substantive regarding ED's specific work requirements. They also discussed performance measures and the incentive structure under interagency contracts, and best practices for writing performance-based statements of work, as well as the importance of ensuring program offices (customers) dictate the performance-based aspects of an acquisition to facilitate the drafting of a proper contract. Finally, Mr. Perry described how ED makes the determination to use an interagency contract, and price reasonableness determinations under such contracts.

Small Business Working Group Presentation

Noting that several of the Small Business Working Group recommendations had been revised since being introduced and discussed at the January 31, 2006 meeting, Ms. Madsen recognized

Mr. David Javdan, Chair of the Small Business Working Group, for presentation of that Group's further comments on its report..

Mr. Javdan presented, and the Panel Members discussed, the following technical revisions to the report language for some of the recommendations approved already by the Panel. Only four of these revisions required voting (See Attachment 2 for all revisions discussed):

1. Recommendation #2: Increased specificity in the report language as to the discretion and flexibility Contracting Officers should have in achieving particular small business contracting goals
2. Recommendation #8: Additional amendments on the recommendation adopted to provide express statutory authority for small business reservations of prime contract awards in full and open, multiple award IDIQ procurements not otherwise suitable for competition exclusively by small business
3. Recommendation #9 (previously withdrawn): Revised recommendation language regarding applicability of small business subcontracting limitations in small business prime multiple award IDIQ contract holders
4. Recommendation #10: Revision to the implementing language for the previously adopted recommendation to provide authority to reserve orders under multiple-award IDIQ procurement for small businesses where head-to-head competition between at least two small businesses can be accomplished

Panel Members voted on the Small Business Working Group recommendations as follows:

1. Unanimously adopted;
2. Unanimously adopted;
3. Unanimously tabled for revision by the Working Group because of Panel Member concerns over small business "fronting" and the difficulty of addressing conflicts in business affiliation rules under the proposed recommendation;
4. Unanimously adopted.

Presentation by Guest Speaker, Ms. Teresa Sorrenti, Program Manager, Integrated Acquisition Environment

The Panel Chair introduced Ms. Teresa Sorrenti for a discussion of FPDS-NG.

Ms. Sorrenti's presentation included the following description of the history and authority for FPDS, as well as its intended scope, and limitations of the program and System. She described the method of input from contracting activities, distribution of responsibility among different stakeholders for distinct parts of the System, the reports available from the System and the new report query tool soon to be launched.

The Panel Chair opened the floor for comments from Panel Members, which included the following:

- Concerns over data accuracy
- Discussion of the duties of assisting entities for data input
- Changes to data in the System

- The process of adding data elements to the System
- Government Accountability Office and Inspectors' General investigations and reports on FPDS-NG
- The method used to report IDIQ task and delivery orders in the System
- Reports generated by the System
- Use of data validation in the System

Panel Chair Marcia Madsen thanked Ms. Sorrenti for her presentation.

ADJOURNMENT

The meeting was adjourned at 4:18 PM.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



MAY 24 2006

Ms. Marcia Madsen
Chair
Acquisition Advisory Panel

[These slides have been updated to reflect the outcome of any votes with a bracketed summary at the bottom of recommendation slides]

1423
Panel

SECTION 1423 ACQUISITION ADVISORY PANEL

**Governmentwide Contracts and
Interagency Contract Vehicles
Working Group**

Presentation of Recommendations

February 23, 2006

These slides contain preliminary working group recommendations for discussion purposes only. They have not been approved by the Acquisition Advisory Panel

Governmentwide Contracts and Interagency Contract Vehicles

1423
Panel

Jonathan Etherton (Co-Chair)

Frank Anderson (Co-Chair)

Deidre Lee

Thomas Luedtke

Melanie Sabelhaus/David Javdan

Roger Waldron (Advisor)

Issues

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Panel

Issues and recommendations arise from four basic questions:

- What are they?
- Why do agencies use them?
- How do agencies use them?
- How should agencies use them?

Findings

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Panel

- Proliferation
- Inconsistent Oversight
 - Lack of Transparency
 - Little Systematic Coordination Among Vehicles
 - No Consistent Standards for Creation and Continuation
 - No Procedures for Aligning Vehicles to Leverage Government Purchasing Power
 - No Central Database or Consistent Methodology to Help Agencies Select Appropriate Contract Vehicles
- Incentives for Creation Don't Always Translate Into Benefits for the Taxpayer
- Some Diversity is Desirable
- Focus on Process of Creation and Continuation will Improve Use of the Vehicles

Recommendations

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Panel

1. Increased transparency through identification of vehicles (e.g. GWACs, MACs, enterprisewide) and Assisting Entities. OMB conduct a survey of existing vehicles and Assisting Entities to establish a baseline. The draft OFPP survey, developed during the Working Group's deliberations includes the appropriate vehicles and data elements.

[Adopted by Panel 2/23/06 subject to review of OFPP survey. This review was subsequently completed on 2/23/06. Recommendation fully adopted.]

Recommendations

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Panel

2. Make available the vehicle and assisting entity data for three distinct purposes.
 - Identification of vehicles and the features they offer to agencies in meeting their acquisition requirements (yellow pages).
 - Use by public and oversight organizations to monitor trends in use
 - Improved granularity in fee calculations
 - Standard FPDS-NG reports
 - Use by agencies in business case justification analysis for creation and continuation/reauthorization of vehicles

[Adopted by Panel 2/23/06]

Recommendations

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Panel

3. OMB institutionalize collection and public accessibility of the information, for example through a stand alone database or module within transactions-based FPDS-NG.

[Adopted by Panel 2/23/06]

Recommendations

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Panel

4. OMB direct a review and revision, as appropriate, of the current procedures for the creation and continuation/reauthorization of GWACs and Franchise Funds to require greater emphasis on meeting specific agency needs and furthering the overall effectiveness of governmentwide contracting. GSA should conduct a similar review of the Federal Supply Schedules. Any such revised procedures should include a requirement to consider the entire landscape of existing vehicles and entities to avoid unproductive duplication.

[Adopted by Panel 2/23/06]

Recommendations

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Panel

5. For other than the vehicles and entities described in #4 above, institute a requirement that each agency, under guidance issued by OMB, formally authorize the creation or expansion of the following vehicles under its jurisdiction
 - Multi-agency contracts
 - Enterprisewide vehicles
 - Assisting entities

[Adopted by Panel 2/23/06 subject to expansion of the description of “assisting entity” in the final report]

Recommendations

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Panel

6. Institute a requirement that the cognizant agency, under guidance issued by OMB, formally authorize the continuation/reauthorization of the vehicles and entities addressed in #5 on an appropriate recurring basis consistent with the nature or type of the vehicle or entity. The criteria and timeframes included in the OMB guidance should be distinct from those used in making individual contract renewal or option decisions.

[Adopted by Panel 2/23/06]

Recommendations

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Panel

7. Have the OMB interagency task force define the process and the mechanisms anticipated by recommendations #5 and #6

[Adopted by Panel 2/23/06]

Recommendations

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Panel

8. OMB promulgation of detailed policies, procedures, and requirements should include:

- a. Business case justification analysis (GWACs as model).
- b. Projected scope of use (products and services, customers, and dollar value).
- c. Explicit coordination with other vehicles/entities.
- d. Ability of agency to apply resources to manage vehicle.
- e. Projected life of vehicle.
- f. Structuring the contract to accommodate market changes associated with the offered supplies and services (e.g. market research, technology refreshment, and other innovations).
- g. Ground rules for use of support contractors in the creation and administration of the vehicle.
- h. Criteria for upfront requirements planning by ordering agencies before access to vehicles is granted.
- i. Defining post-award responsibilities of the vehicle holders and ordering activities before use of the vehicle is granted. These criteria should distinguish between the different sets of issues for direct order type vehicles versus vehicles used for assisted buys, including data input responsibilities.
- j. Guidelines for calculating reasonable fees including the type and nature of agency expenses that the fees are expected to recover. Also establish a requirement for visibility into the calculation.
- k. Procedures to preserve the integrity of the appropriation process, including guidelines for establishing bona fide need and obligating funds within the authorized period.
- l. Require training for ordering agencies' personnel before access to the vehicle is granted.
- m. Use of interagency vehicles for contracting during emergency response situations (e.g. natural disasters).

Recommendations

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Panel

Recommendation #8 (continued)

- n. Competition process and requirements.
- o. Agency performance standards and metrics.
- p. Performance monitoring system.
- q. Process for ensuring transparency of vehicle features and use. (Defined point of contact for public – Ombudsman)
- r. Guidance on the relationship between agency mission requirements/core functions and the establishment of interagency vehicles (e.g. distinction between agency expansion of internal mission-related vehicles to other agencies vs. creation of vehicles from the ground up as interagency vehicles)

[Adopted by Panel 2/23/06 with agreement to add language to item “e” above for a preference for a sunset provision unless deemed inappropriate for the vehicle type.]

Recommendations

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Panel

9. OMB sponsor a detailed analysis of the effectiveness of Panel recommendations and agency actions in addressing the findings and deficiencies in the Acquisition Advisory Panel report. The analysis should occur no later than five years after initial implementation with an interim report after three years. The analysis should also include identification of unintended consequences of implementing the recommendations.

[Adopted “in principle” by Panel 2/23/06 subject to working group submitting additional language to reflect discussion on role OMB will play in determining agency compliance with guidance.]

Acquisition Advisory Panel

Cross-Cutting Issues: Small Business Working Group

Revisions to Preliminary Draft Recommendations February 23, 2006

These slides contain preliminary working group findings and recommendations for discussion purposes only. They have not been approved by the Acquisition Advisory Panel

Summary of Proposed Revisions

- Clarify guidance on the order of priority in utilizing small business contracting methods
- Add a previously omitted recommendation concerning cascading procurements
- Revise the proposed amendments authorizing reservations of small business prime contract awards in full and open multiple award procurements
- Clarify the justification for the recommendation concerning the limitations on subcontracting requirements
- Revise the proposed amendment authorizing reservations of small business task orders against multiple award procurements

Finding #1

- **Contracting officers need definitive guidance on the priority for applying the various small business contracting preferences to particular acquisitions**

Recommendation #1

- **Amend the Small Business Act to provide consistent statutory language governing the applicability of the various small business preference programs**

[Recommendation originally adopted on 1/31/06 with request for additional clarifying language in the report. The report has been revised per the next slide. Panel agreed proposed language addresses concerns raised on 1/31/06. No vote required nor taken.]

Revision to Draft Report Under Recommendation #1

- Draft Report includes additional language explaining the important legislative and public policy purposes of the various small business contracting mechanisms and the importance of granting contracting officials flexibility in utilizing these mechanisms to ensure small business contracting goal achievements (See Draft Report at 34-35)

Finding #2

- **Contracting officers need explicit guidance on how to exercise their discretion in selecting the appropriate small business contracting method for a procurement**

Recommendation #2

- **Provide guidance clarifying that contracting officer discretion in selecting small business contracting methods should be based on small business goal achievements and market research**

[Recommendation originally adopted on 1/31/06 but working group agreed to address concern that COs need greater clarification to use the agency goal achievements to guide their discretion. Working group provided this additional revised language (see next two slides) to address this concern. Language adopted by the Panel 2/23/06]

Additional Proposed Amendments Under Recommendation #2

- Provide additional guidance in utilizing small business contracting mechanisms, by amending 48 C.F.R. § 19.201(c) to add the following at the end of paragraph (c):

**** * *In order to achieve the Government-wide and agency goals, the contracting officer is provided the discretion in deciding whether to utilize the 8(a) BD, HUBZone or SDVO SBC Programs for a specific procurement. The contracting officer must comply with all other statutory and regulatory requirements related to the conduct of market research and the use of the various small business programs. (See Draft Report at 35-36)***

Additional Proposed Amendments Under Recommendation #2 (Con't)

- Redesignate paragraphs (b) through (e) of 13 C.F.R. § 125.2 as paragraphs (c) through (f), and add a new paragraph (b) to read as follows:

In order to achieve the Government-wide and agency goals, the contracting officer is provided the discretion in deciding whether to utilize the 8(a) BD, HUBZone or SDVO SBC Programs for a specific procurement. The contracting officer must comply with all other statutory and regulatory requirements related to the conduct of market research and the use of the various small business programs. (See Draft Report at 35-36)

Finding #4

- **Cascading procurements fail to balance the Government's interest in quick contracting with the requirement for the maximum practicable small business contracting opportunities**

Recommendation #4

- **Amend governing statutes and regulations to expressly preclude cascading procurements as an acquisition strategy**

[Recommendation originally adopted on 1/31/06. Since, Working Group discovered the need for an additional statutory revision (see next slide) and advised Panel on 2/23/06. All agreed. No vote required nor taken]

Previously Omitted Proposed Amendment Under Recommendation # 4

- Draft Report recommends the repeal of Section 816 of the National Defense Authorization Act for Fiscal Year 2006, Public Law No. 109-163, which authorizes the Department of Defense to use cascading procurements in limited circumstances (See Draft Report at 37-38)

Finding #8

- **The strategy of reserving prime contract awards for small businesses in full and open multiple award procurements may be effective in providing small business prime contracting opportunities**

Recommendation #8

- **Provide express statutory authorization for small business reservations of prime contract awards in full and open multiple award procurements that are not suitable for competition exclusively by small businesses**

[Recommendation originally adopted on 1/31/06 but implementing language sent back to working group for revisions. The working group revised the language (see next slide) for 2/23/06 meeting and Panel adopted revised language 2/23/06]

Revised Proposed Amendment Under Recommendation # 8

- The Draft Report replaces the former proposed paragraphs (C) and (D) with a new proposal to add a revised paragraph (C) to 10 U.S.C. § 2304a(d)(3) and 41 U.S.C. § 253h(d)(3) as follows:

(3) The regulations implementing this subsection shall –

(C) provide discretion to reserve one or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), when a total set aside is not appropriate.
(See Draft Report at 50-51)

Finding #9

- Contracting officials need guidance on how to apply the limitations on subcontracting requirements to small business prime contract reservations in full and open multiple award vehicles

Recommendation #9

- Provide an amendment to clarify that the limitations on subcontracting provisions do not apply to contracts that are reserved for small businesses in full and open multiple award procurements and to require that SBA conduct a study on whether the limitations on subcontracting is beneficial in today's contracting environment

[Recommendation tabled pending further discussion]

Proposed Amendments Under Recommendation # 9

- Add a new paragraph (4) to 15 U.S.C. § 644(o) to read as follows:

(4) The limitations on subcontracting do not apply to prime contracts that are reserved for small business concerns under full and open multiple award procurements.

Add a new paragraph (k) to 13 C.F.R. § 125.6 as follows:

(k) The limitations on subcontracting do not apply to prime contracts that are reserved for small business concerns under full and open multiple award procurements.

Revision to Draft Report Under Recommendation # 9

- The Draft Report reiterates that SBA's existing affiliation regulations, including the ostensible subcontractor rule, deter small business “fronts” because they prevent businesses that subcontract primary and vital requirements to large businesses from qualifying as small business concerns (See Draft Report at 51)

Revision to Draft Report Under Recommendation # 9

- Add a new paragraph (4) to 15 U.S.C. § 644(o) to require that SBA's Office of Advocacy conduct a study on the limitations on subcontracting requirements, as follows:

(4) The Office of Advocacy of the Small Business Administration shall conduct a study on the benefits and effectiveness of the contract performance requirements under this section based on conventional industry practices and the current Federal contracting environment. Not later than *[one year from the date of enactment of this amendment]* the Office of Advocacy shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains the results of the study conducted under this paragraph and any proposed changes to the existing contract performance requirements.

Finding #10

- **The contracting community needs explicit guidance on utilizing small business reservations for orders against multiple award IDIQ contracts**

Recommendation #10

- **Provide a statutory and regulatory amendment granting agencies explicit discretion to limit competition for orders to small businesses**

[Recommendation originally adopted on 1/31/06 pending technical revision of language. Panel voted to adopt revised language (see next slide) on 2/23/06.]

Revised Proposed Amendments Under Recommendation #10

- The Draft Report revises the proposed amendment to 10 U.S.C. § 2304c and 41 U.S.C. § 253j, governing FAR Part 16 IDIQ contracts, to delete the reference to “any other provision of law, including but not limited to” in the proposed paragraph (c) to read as follows:

(c) Notwithstanding paragraph (b) and Section 803 of Pub. Law No. 107-107, 115 Stat. 1012 (2002), a contracting officer has the discretion to set forth procedures in multiple award contracts that provide that competition for particular orders may be limited to small business concerns, including the subgroups identified in Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)). (See Draft Report at 52)

Next Steps

- Post the working group's draft report, including findings and recommendations, on the Panel's web site for public comment

Federal Procurement Data System – Next Generation

OFPP Act requires collection of date, source, type property/service, cost, & competition level (over)

1. Where we were and where we are

	Previous FPDS	NG
Data elements	50 Data elements	150 Data elements
Data sources	Common data repetitively entered	Common vendor data from CCR
Submission method	Batch reporting	75% civilians submit direct from contract writing system; DOD due Oct.
Report Frequency	Quarterly	Real time 24/7
Scope	Transactions under \$25,000 only reported in summary	All transactions over \$2,500 reported in detail; 10.5 million records for FY 04
Accessibility	Reports available on request	79 public reports, ad hoc reporting and search ability
Interoperability	Stand-alone system	Shares data with eSRS, CCR
Flexibility	Min 12 mos. to make a change	Change in 30 days using web services

2. What it is intended to do and what it is not

	FPDS is not collecting	FPDS is
Level of detail	Line item information on products or services	Providing data to determine trends in contracting and socio-economic program achievement
Interagency contracting	Transactions between two agencies	Capturing any commercial contract one agency makes for another, indicating the agency providing funding
Financial data	Type of funding or accounting data	Capturing the government contracting dollars by category, state, & vendor
Award process	Data on offers, evaluation process, performance metrics or tracking	Capturing the final transaction summary

3. Roles and responsibility

	Agency	Vendor	SBA	SYSTEM	CCB	ACE
Small business goaling criteria			✓			
Determining vendor business size	✓					
Maintaining vendor data in CCR		✓				
Validating 8(a), HUBZone and small disadvantaged certifications via CCR			✓			
Applying basic information from contracts to task/delivery orders				✓		
Ensuring data reported timely and accurately (train staff, monitor compliance with reports)	✓					
Change Management: 35 Service Packs to-date	Submit changes	✓	✓	✓		
	Review/Recommend				✓	
	Approve scope/funds					✓

4. Timeline of significant events

Apr 03	Sep 03	Oct 03	Dec 04	Apr 05	Aug 05	Sep 05	Jan 06	Apr 06	May 06
Award	Migrate 25 yrs of data	Launch/begin training	Certified all 7 comm'l systems	FY 04 data validated	First Goaling Report	Created Katrina field	New reports format	Pcard summary data	DOD sites connect

§ 417. Record requirements

(a) Establishment and maintenance of computer file by executive agency; time period coverage

Each executive agency shall establish and maintain for a period of five years a computer file, by fiscal year, containing unclassified records of all procurements greater than the simplified acquisition threshold in such fiscal year.

(b) Contents

The record established under subsection (a) of this section shall include—

(1) with respect to each procurement carried out using competitive procedures—

- (A)** the date of contract award;
- (B)** information identifying the source to whom the contract was awarded;
- (C)** the property or services obtained by the Government under the procurement; and
- (D)** the total cost of the procurement;

(2) with respect to each procurement carried out using procedures other than competitive procedures—

- (A)** the information described in clauses (1)(A), (1)(B), (1)(C), and (1)(D);
- (B)** the reason under section 253 (c) of this title or section 2304 (c) of title 10, as the case may be, for the use of such procedures; and
- (C)** the identity of the organization or activity which conducted the procurement.

(c) Record categories

The information that is included in such record pursuant to subsection (b)(1) of this section and relates to procurements resulting in the submission of a bid or proposal by only one responsible source shall be separately categorized from the information relating to other procurements included in such record. The record of such information shall be designated “noncompetitive procurements using competitive procedures”.

(d) Transmission and data system entry of information

The information included in the record established and maintained under subsection (a) of this section shall be transmitted to the General Services Administration and shall be entered in the Federal Procurement Data System referred to in section 405 (d)(4) of this title.

§ 405. Authority and functions of the Administrator

(d) Enumeration of included functions

The functions of the Administrator shall include—

(4)

- (A)** providing for and directing the activities of the computer-based Federal Procurement Data System (including recommending to the Administrator of General Services a sufficient budget for such activities), which shall be located in the General Services Administration, in order to adequately collect, develop, and disseminate procurement data; and
- (B)** ensuring executive agency compliance with the record requirements of section 417 of this title;