

Category Attachment

Code : **D**

Title : **Human Capital**

Solicitation Number : **47QSMD20R0001**

Refresh Number : **0015**

Created on January 18, 2023

Human Capital Category Instructions and Regulations

Instructions:

All offerors must follow evaluation criteria and instructions outlined in the MAS solicitation, including in SCP-FSS-001. The Human Capital Category Attachment outlines additional evaluation criteria, requirements and information specific to this category only. For a list of required Schedule templates and attachments, please visit www.gsa.gov/masscopeandtemplates

For additional guidance and information for Schedule buyers and sellers, please visit our general guidance page at www.gsa.gov/schedules.

Note: GSA will not award any Drones/Unmanned Aircraft Systems (UAS), as defined in 49 USC Ch. 448, in response to this Large Category except those drones approved by the Department of Defense (DoD) Defense Innovation Unit (DIU) through its Blue sUAS Program.

Regulation Number	Regulation Title/Comments
52.222-46	EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES (FEB 1993)
52.228-5	INSURANCE - WORK ON A GOVERNMENT INSTALLATION (JAN 1997)
52.229-1	STATE AND LOCAL TAXES (APR 1984)
52.222-62	PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (JAN 2022)
552.238-91	MARKING AND DOCUMENTATION REQUIREMENTS FOR SHIPPING (MAY 2019)
552.238-105	DELIVERIES BEYOND THE CONTRACTUAL PERIOD - PLACING OF ORDERS (MAY 2019)
552.238-73	IDENTIFICATION OF ELECTRONIC OFFICE EQUIPMENT PROVIDING ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES (MAR 2022)

Subcategory Instructions and Regulations

D01. Background Investigation Subcategory

Subcategory Level Regulations:

Regulation Number	Regulation Title/Comments
552.238-115	SPECIAL ORDERING PROCEDURES FOR THE ACQUISITION OF ORDER-LEVEL MATERIALS (APR 2022)

SIN 561611 Background Investigation Services

561611 A variety of background investigations of persons for Federal Government purposes (including employment) are provided.

Examples of background investigation services include but are not limited to: Provide background investigations (background checks) for potential or existing employees in accordance with applicable Federal, State and local regulations. Verification of previous employers; salary histories; criminal records checks; education verification; and credit history checks. All investigative activities must be conducted in compliance with the Fair Credit Report Act as amended. Upon request, investigative services offered include Local Agency Check (LAC), National Agency Check with Local Agency Checks and credit checks (NACLC), Single Scope Background Investigations (SSBI), SSBI - Periodic Reinvestigation (SSBI-PR) and Single Scope Background Investigations - Misconduct Investigations (SSBI-MI).

These investigative services can support the authorized Department/Agencies in acquiring Reports of Investigation (ROI) in areas of public trust, national security and suitability investigations conducted by the Federal Government in compliance with appropriate sections of the United States Code (i.e. Title 5, Title 15), Executive Orders and requesting Department/Agency Directives, Policies and Procedures. Service providers must operate from a facility approved in accordance with the provisions of the National Industrial Security Program Operating Manual (NISPOM). Investigative Support Personnel and the Field Investigator staff must have active security clearances to the appropriate level as required by the customer Agency/Department.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R699
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
561611	Investigation Services	\$25 million

Instructions:

A variety of background investigations of persons for Federal Government purposes (including employment). The functions include:

- Pre-Employment Screening support
- Background Investigations
- Verification of previous employers; salary histories, criminal records checks, education verification and credit history.

Investigative Services MUST include:

- Local Agency Check (LAC)
- National Agency Check with Local Agency Checks and credit checks (NACLC)
- Single Scope Background Investigations (SSBI)
- SSBI-Periodic Reinvestigation (SSBI-PR)
- Misconduct Investigations (SSBI-MI)

*These investigative services can support the authorized Department/Agencies in acquiring Reports of Investigation (ROI) in areas of public trust, national security and suitability investigations conducted by the Federal Government in compliance with appropriate sections of the United States Code (i.e. Title 5, Title 15), Executive Orders and requesting Department/Agency Directives, Policies and Procedures.

*Service providers must operate from a facility approved in accordance with the provisions of the National Industrial Security Program Operating Manual (NISPOM).

*Investigative Support Personnel and the Field Investigator staff must have active security clearances to the appropriate level as required by the customer Agency/Department.

NOTE: Offerors MUST confirm they are NISPOM compliant.

D02. Compensation and Benefits Subcategory**Subcategory Level Regulations:**

Regulation Number	Regulation Title/Comments
552.238-115	SPECIAL ORDERING PROCEDURES FOR THE ACQUISITION OF ORDER-LEVEL MATERIALS (APR 2022)

SIN 541214HR Compensation and Benefits

541214HR This function provides for General Human Resources basic financial services including but not limited to Payroll, Benefits Management, Workers Compensation, Unemployment Insurance Claims; and Executive Services. This function includes the following sub-functions: A.5.1 Compensation Management; A.5.2 Work Schedule and Leave Administration; A.5.3 Benefits Management; and A.5.4 Work-Life Wellness/Employee Assistance Programs and Social Services.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R710
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541214	Payroll Services	\$39 million

Instructions:

All incumbents shall provide for the design, development and implementation of compensation, benefit and

retention programs to support customer agency mission objectives and workforce strategy.

This function includes the following sub-functions

- o **Compensation Management-** Compensation Management designs, develops, and implements compensation policies and programs that attract, retain, and equitably compensate employees in accordance with law and regulations. Develops and implements strategic and cost-effective use of pay flexibilities to address agency recruitment and retention needs in support of their missions and goals. Compensation Management ensures policies, programs, and human resources, payroll, and time and attendance systems support accurate and timely pay for employees.
- o **Work Schedule and Leave Administration-** Work Schedule and Leave Management designs, develops, and implements work schedules and leave policies and programs that attract, retain, and meet the work-life needs of employees in accordance with law and regulations. Develops and implements policies to administer leave and work schedules in support of agency missions and goals. Ensures policies, programs, and human resources, payroll, and time and attendance systems support accurate and timely benefits for employees.
- o **Benefits Administration-** Benefits Management is the process of establishing and maintaining non-wage compensations for the employees of the organization, managing the day-to-day operations of group benefits programs and employee enrollment, processing claims, and performing benefits reconciliation. Employee benefits typically include but are not limited to medical insurance and individual retirement accounts (IRAs).
- o **Work-Life Wellness/Employee Assistance Programs and Social Services-** Work-life Wellness and Employee Assistance Programming is the managing of organizational services that help employees work through various life challenges that may adversely affect job performance, health, and personal well-being to optimize organizational success and work-life wellness. EAP services include employee assessments, counseling, and referrals for additional services to address personal and/or work-related concerns, such as stress, financial issues, legal issues, family problems, office conflicts, and alcohol or other substance abuse.

D03. Human Resources Subcategory

Subcategory Level Regulations:

Regulation Number	Regulation Title/Comments
552.238-115	SPECIAL ORDERING PROCEDURES FOR THE ACQUISITION OF ORDER-LEVEL MATERIALS (APR 2022)

SIN 524292 Separation and Retirement

524292 This function includes conducting efficient and accurate Human Capital processing actions in support of employee separation or retirement work includes but is not limited to: conducting efficient and accurate HC processing actions in support of employee separation or retirement, handling the appropriate notifications and determining the terms of the separation. Ensuring knowledge transfer occurs between the separating employee and remaining employees. Separating employees are offered transition counseling and support. This sub-function includes: A.6.1 Separation Counseling; A.6.2 Retirement Planning and Processing; and A.6.3 Retirement Management.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R431
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
524292	Third Party Administration of Insurance and Pension Funds	\$45.5 million

SIN 54161 Agency Human Capital Evaluation

54161 This function assesses results achieved across all Human Capital Management systems and activities in support of mission goals to identify and implement improvements.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R408
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541611	Administrative Management and General Management Consulting Services	\$24.5 million

Instructions:

OPM defines the Agency Human Capital Evaluation function as assess results achieved across all Human Capital Management systems and activities in support of mission goals to identify and implement improvements.

This function includes the following sub-function

- o Human Capital Programmatic Evaluation- refers to an agency's self-assessment of its human capital strategy, services, and practices to improve its return on human capital investment, quality, efficiency, and employee satisfaction.

SIN 541611W Workforce Analytics and Employee Records

541611W This function requires the implementation of systematic, flexible, and inclusive process to review workforce and performance data, metrics, and results, to anticipate and plan for future strategic and operational requirements and to make holistically informed Human Capital Management decisions. The function includes the following sub-functions: A.9.1 Employee Inquiry Processing; A.9.2 Employee Research; A.9.3 Workforce and Performance Analytics; A.9.4 Workforce and Performance Reporting; A.9.5 Records Management; and A.9.6 Records Disclosure.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R431
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541611	Administrative Management and General Management Consulting Services	\$24.5 million

Instructions:

All incumbents shall support Workforce Analytics and Employee Records functions including but not limited to the implementation of systematic, flexible, and inclusive process to review workforce and performance data, metrics, and results, to anticipate and plan for future strategic and operational requirements and to make holistically informed Human Capital Management decisions.

This function includes the following sub-functions:

- o Employee Inquiry Processing- Employee Inquiry Processing refers to the process of receiving, responding to, and recording information related to employee inquiries, questions, concerns, complaints or suggestions.
- o Employee Research- Employee Research involves the use of surveys, focus groups and other data-gathering methods to reveal the attitudes, opinions and feelings of employees that could influence change within the organization.

o Workforce and Performance Analytics- refer to an advanced set of data analysis tools and metrics that comprehensively measure workforce performance and facilitate ongoing improvement. It includes analysis of recruitment, staffing, training and development, personnel, and compensation and benefits, as well as standard ratios such as time to fill, cost per hire, accession rate, retention rate, replacement rate, offer acceptance rate, etc.

o Workforce and Performance Reporting- involve communicating organizational composition, resource utilization, and/or achievements data to relevant stakeholders to inform goal creation and drive positive change.

o Records Management- involves establishing standards of accuracy, relevancy, necessity, timeliness, and completeness for personnel records, and prescribes processes for the creation, collection, processing, use, revision, and maintenance of employee data.

o Records Disclosure- refers to the maintenance, protection, furnishing, and amendment of records within a system of records as defined by the Privacy Act of 1974 (5 U.S.C. 552a).

SIN 541612EPM Employee Performance Management

541612EPM Is the creation, implementation, and maintenance of comprehensive employee performance management practices, programs, and activities that support customer agency mission objectives. This function includes the following sub-functions: A.4.1 Employee Performance Management; and A.4.2 Recognition Management.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R710
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541612	Human Resources Consulting Services	\$29 million

Instructions:

Contractor shall support the creation, implementation, and maintenance of comprehensive employee performance management practices, programs, and activities that support customer agency mission objectives.

This function includes the following sub-functions:

o Employee Performance Management- involves defining performance objectives, reviewing, appraising, and managing employee performance, and evaluating and reviewing the performance management program.

o Recognition Management- involves defining appropriate types of recognition (e.g., cash, non-monetary, and honor awards, etc.) and determination and administration of appropriate awards, activities and recognition for individuals and groups.

SIN 541612ER Employee Relations

541612ER This function is the design, development and implementation of programs to ensure mission effectiveness through employee accountability. Programs should strive to maintain an effective employer-employee relationship that balances the agency's needs against its employees' rights. The function includes the following sub-functions: A.7.1 Employee Misconduct Remediation; A.7.2 Employee Performance Remediation; A.7.3 Administrative Grievances and Third-Party Proceedings; A.7.4 Reasonable Accommodation Programming; and A.7.5 Employee Suitability.

Cooperative Purchasing: No

Set Aside: No
FSC/PSC Code : R418
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541612	Human Resources Consulting Services	\$29 million

Instructions:

Incumbents within this sub-category shall provide services in the design, development and implementation of programs to ensure mission effectiveness through employee accountability and that strive to maintain an effective employer-employee relationship that balances the agency's needs against its employees' rights.

The function includes the following sub-functions:

- o **Employee Misconduct Remediation-** involves developing policies that outline employee conduct expectations, defining acts of misconduct, specifying the responsibilities of supervisors when handling misconduct in the workplace, establishing appropriate actions to be taken, and granting the opportunity for employees to respond to allegations.

- o **Employee Performance Remediation-** involves developing processes that address and define corrective actions for departures from acceptable standards of performance established for employees to successfully fulfill the job duties and responsibilities indicated in performance plans.

- o **Administrative Grievances and Third-Party Proceedings-** the processes and procedures organizations use to objectively review complaints concerning working conditions or employment decisions affecting employees not covered by a labor agreement with a union, and engagement in alternative methods of dispute resolution, as appropriate, (e.g., mediation, fact finding, ombudsman meeting, dispute panels, and facilitated discussion).

*All services proposed under the sub-factor are required to provide comprehensive support in disciplinary actions as they relate to complaints, grievances, and appeals; leave administration, recognition and awards, performance management and appraisal, insurance benefits, Thrift Savings Plan, and retirements , providing guidance and assistance in completing necessary processes and documentation; providing guidance and assistance in monitoring and assessing the value of or operation of a complaint receipt systems such as an agency complaint hotline (GSA), performing case management; assisting in the review of correspondence for regulatory compliance; serving as an interface with legal staff, union representatives, Department of Labor (DOL), Office of Personnel Management (OPM), other appropriate outside agencies, and providing support to the appropriate internal agency activities as required. (GSA)

- o **Reasonable Accommodation Programming-** refers to formal procedures for handling requests for an adjustment or change to some aspect of one's job or benefit of employment for reasons related to a disability or medical condition, and available provisions that make it easier for an employee to successfully perform position duties.

- o **Employee Suitability-** refers to a determination of whether the continued employment of an employee with more than one year of continuous service would or would not protect the integrity or promote the efficiency of the service, and any adverse actions taken to remove the employee from their position.

SIN 541612HC Agency Human Capital Strategy, Policy and Operations

541612HC Professional services include but are not limited to development of effective human capital management strategies and enhanced policy. This Function contains the following Sub-Functions: A.1.1 Workforce Planning; A.1.2 Human Capital Strategy; A.1.3 Organizational Design and Position Classification; A.1.4 Diversity and Inclusion; A.1.5 Employee Engagement and Communications; A.1.6 Organizational Development (OPM\Federal Human Capital Business Reference Model)

Cooperative Purchasing: No
Set Aside: No

FSC/PSC Code : R799
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541612	Human Resources Consulting Services	\$29 million

Instructions:

All incumbents shall support Customer Agency Human Capital Strategy, Policy and Operational Plan functions. The development of effective human capital management strategies, enhanced policy, and plans that ensure Federal organizations are able to manage a highly qualified, productive, and diverse workforce focused on results aligned with agency mission, goals, and objectives in accordance with merit system principles.

This functions containing the following sub-functions:

- o Workforce Planning-the continual, systematic process for identifying and addressing the gaps between the workforce of today and the human capital needs of tomorrow (e.g., size, type, experience, knowledge, skills, mission, competencies, etc.) including the strategic succession management to strengthen current and future organization leadership capacity, to achieve organizational objectives and remain resilient to internal and environmental changes.

- # Contractor shall provide support in systematic approaches to forecasting the future demand for and supply of employees.

- o Human Capital Strategy- Human Capital Strategy includes identifying strategic HR needs, defining HR and business function roles and accountabilities, determining HR costs, establishing HR measures, developing/administering HR programs and policies, developing strategies for HR systems, tools, and technologies, and developing a Human Capital service delivery plan.

- o Organization Design & Position Classification- Organizational Design and Position Classification involves assessing workforce composition, including the types, grades, numbers of positions, and employee skills along with workloads and work processes to align organizational and positional structures with the strategic mission and objectives of the organization.

- # Incumbents must provide HR Management Consulting, Position Classification, Integration, Change Management, Internal Placement, Succession Planning, and Internships. Position Classification.

- # Contractor must provide support services in a range of classification functions for a variety of occupations and grades in the General Schedule, the Federal Wage System, or other Federal classification systems, in accordance with Title 5, United States Code (USC) or other appropriate authorities.

- o Diversity and Inclusion- Diversity and Inclusion involves bringing together individuals with a range of similarities and differences (including but not limited to race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability, religious or ethical values system, national origin, and political beliefs) to create an environment of involvement, fairness, and respect where employees have equal access to opportunities and resources, and where the richness of ideas, experiences, backgrounds, and perspectives are harnessed to create business value.

- # Function Review: Contractor shall provide a review of the human resources department and other offices relating to the implementation function outsourced.

- # Function review SHALL NOT include consultation on the business improvement process or preliminary studies under OMB Circular A-76 (GSA)

- o Employee Engagement and Communications- Employee engagement and communications involves enhancing employees' involvement in, commitment to, and satisfaction with organizational objectives, and developing internal communications plans to manage ongoing dialogue between the organization and its employees.

- o Organizational Development: (Optimization)- Organization Development is a system-wide application and transfer of behavioral science knowledge to the planned development, improvement, and reinforcement of strategies, structures, and processes that lead to organization effectiveness.

SIN 541612LOB Human Resources Line of Business (HRLOB)

541612LOB Technology Solutions in support of other SINS in the Human Capital Category. Including, but not limited to: Software, technology, systems and related solutions. Services and products offered under this SIN must be in support of one or more of the 15 Functions/ 54 Sub-functions in the Human Capital Lifecycle. Please see the Human Capital Business Reference Model (HCBRM) for a full list of these functions, or refer to the other SINS in this category. The HCBRM as developed by the Office of Personnel Management (OPM) as of August 2017 is available here: <https://www.opm.gov/services-for-agencies/hr-line-of-business/hc-business-reference-model/hcbrm-map.pdf>. The Human Capital Business Reference Model as of August 2017 or later may be used.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R799
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541612	Human Resources Consulting Services	\$29 million

Instructions:

Commercial Supplier Agreement (CSA) Terms: If offering Commercial Supplier Agreement (CSA) Terms (e.g. standard terms of sales or lease, Terms of Service (TOS), End User License Agreements (EULA), or other similar legal instruments or agreements) - Often ordering activities will decline to place an order because of Federally non-compliant terms (e.g., customer indemnification). This results in a loss of business for the Schedule holder. In order to facilitate GSA's review and negotiation of each individual set of terms for compliance with Federal law, the Offeror is required to submit its CSA in an editable format, and preferably with the Federally non-compliant terms and conditions already removed. Such submissions may help GSA avoid delays in reviewing and negotiating each individual agreement. "Clickwrap" submissions or links to agreements are not acceptable. The Offeror must clearly define what additional products, services, and prices are included with its CSA. Relevant Project Experience Evaluation:

The Offeror must submit a narrative demonstrating relevant project experience for the HRLOB SIN that is consistent with the standard as outlined in SCP-FSS-001.

SIN 541612LR Labor Relations

541612LR This function involves the managing of the relationship between the agency and its management associations, unions and bargaining units. This includes negotiating and administering labor contracts and collective bargaining agreements; managing negotiated grievances; and participating in negotiated third party proceedings. Includes adjudication of issues related to Disaster Relief. This function includes the following sub-functions: A.8.1 Labor Relations Management; A.8.2 Negotiated Grievances and Third-Party Proceedings; and A.8.3 Collective Bargaining.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R418
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
541612	Human Resources Consulting Services	\$29 million

Instructions:

All incumbents of this sub-category shall support the managing of the relationship between the agency and its management associations, unions and bargaining units. This includes negotiating and administering labor contracts and collective bargaining agreements; managing negotiated grievances; and participating in negotiated third party proceedings. Includes adjudication of issues related to Disaster Relief.

This function includes the following sub-functions:

- o Labor Relations Management- involves managing bargaining unit recognition requests, establishing an environment and resources conducive for ongoing communication between the union and management between management and non-labor organizations representing Federal employees, and ensuring union negotiations, contracts, and agreements are legal and compliant with government-wide laws, rules and regulations.

- o Negotiated Grievances and Third-Party Proceedings- the procedures and guidelines to be followed by employees, management or the union when resolving disputes or conflicts, and the provision of an appeal or third-party arbitration for any grievance not satisfactorily settled under negotiated grievance procedures.

- o Collective Bargaining- involves negotiating in good faith and reaching agreements that result in written contracts governing the terms and conditions of employment for unionized employees (e.g., working hours, training, health and safety, overtime, grievance mechanisms, etc.).

SIN 561EEO EEO Services

561EEO EEO Services may include but are not limited to providing investigation of Discrimination Complaints and Preparation of Reports of Investigation (includes individual Case/consolidated Case-One or Additional Issues, Continuing Violation, Online Reporting System, Additional Copies of Investigation Reports). Preparation of an Analysis and Recommended Final Agency Decision (FAD) in Discrimination Complaints, Inquiry, Resolution Attempt, and Preparation of an analysis and Recommended Final Agency Decision (FAD) on Allegations of Noncompliance With Settlement Agreements or Final Decisions, Resolution Attempt and Report of Inquiry Regarding Notices of Intent to Sue under Age Discrimination in Employment Act of 1967, as Amended, Alternative Dispute Resolution, Reference Materials relating to equal opportunity programs, EEO training and Consulting, EEO counseling (Individual and Class Complaint).

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R499
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
561611	Investigation Services	\$25 million

Instructions:

EEO Services may include the following services

- o Investigation of Discrimination Complaints and Preparation of Reports of Investigation- Contractor shall prepare reports of investigation (drafts and final) in conformance with the standards established by the EEOC.

- o Preparation of an Analysis and Recommendation Final Agency Decision (FAD) in Discrimination Complaint.

- o Inquiry, Resolution Attempt, and Preparation of an Analysis and Recommended Final Agency Decision on Allegations of Noncompliance With Settlement Agreements or Final Decisions.

- o Resolution Attempt and Report of Inquiry Regarding Notices of Intent to Sue under Age Discrimination in Employment Act of 1967, as Amended

- o Alternative Dispute Resolution

- o Contractor shall provide the services of trained Alternative Dispute Resolution (ADR) professionals to attempt resolution of allegations of discrimination and other human resource matters.

- o The ADR process will not replace already existing formal procedures, e.g. the administrative grievance procedure and the EEO administrative complaint procedure, but will supplement them in an effort to resolve problems before and after formal procedures are invoked.

- o Reference Materials

- o EEO Training and Consulting

- o EEO consulting services and customized or off-the-shelf training for the instruction and development of Equal Employment Opportunity (EEO) training courses for employees, supervisors, managers, team leaders, and others on the policy of the Government to provide equal opportunity in employment for all persons, prohibit discrimination in employment, and promote the full realization of equal employment opportunity.

- o EEO Counseling-Individual and Class Complaint

PRICING INSTRUCTIONS

- o REFERENCE MATERIALS

- o Offeror shall specify Labor Category(ies) proposed and the hourly rates for each.

- o Rates for each Reference Material MUST include all material(s) (i.e. posters) to be provided in varying quantities for ordering agencies.

- o Licensing fees may not be included. They are to be negotiated with the ordering agency separately. GSA will not negotiate or award licensing fees of any type.

- o OFF THE SHELF TRAINING

- o Offeror shall provide a schedule of available training courses offered in the technical proposal.

- o Offeror shall indicate the minimum and maximum number of participants per course and whether the rate is priced per student or per course. Rates for each course MUST include all material (i.e. notebooks, index tabs, etc) to be provided to trainees.

- o Training materials must be provided for the minimum number of trainees per course as indicated by the Offeror.

SIN 56131 Talent Acquisition

56131 The Talent Acquisition function is the establishment of internal programs and procedures for attracting, recruiting, assessing, and selecting highly qualified, productive employees with appropriate skills and competencies, from all sectors of society, all in accordance with merit system principles. Services include developing a staffing strategy and plan; establishing an applicant evaluation approach; announcing the vacancy, sourcing and evaluating candidates against the competency requirements for the position; initiating pre -employment activities; and hiring employees.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R431
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
561311	Employment Placement Agencies	\$34 million
561312	Executive Search Services	\$34 million

Instructions:

Talent Acquisition Management includes aligning the workforce plan to business unit strategies/resource needs. The Talent Acquisition function includes the following sub-functions:

- A2.1 Talent Acquisition Management: Includes aligning the workforce plan to business unit strategies/resource needs, by identifying the job and assessments, undertaking position designations, recruiting and/or announcing the job, accepting and reviewing applications, assessing applicants, certifying eligible candidates, making selections, and auditing the hiring action/record

- keeping.
- A2.2 Candidate Sourcing and Recruitment: Candidate Sourcing and Recruitment is the process of attracting strong applicants prepared to perform successfully on the job. Agencies should recruit from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society.
- A2.3 Candidate Assessment and Selection: Includes developing and implementing general or customized tests, structured interviews, and other assessments to determine qualification for the position and evaluate candidates as to their relative levels of knowledge, skills, and abilities.
- A2.4 Applicant Screening, Reciprocity, Investigation Request: Includes Screening Applicants, Reciprocity, and Investigation Requests includes screening applicants for potential issues of suitability concerns; validating the need for an investigation or adjudication in light of law or policy issued by the applicable Executive Agent(s) that background investigations and adjudications shall be mutually and reciprocally accepted by agencies; and, if an agency determines an investigation must be conducted, initiating the Electronic Questionnaires for Investigations Processing (e-QIP) system and forward to NBIB for investigation once the e-QIP application information is validated and complete.
- A2.5 Vetting Adjudication: Based on a completed background investigation, agencies will make a suitability, fitness, national security, and/or credentialing adjudication, and report final adjudication to the Central Verification System (government adjudication and clearance system).
- A2.6 New Hire In-processing and Onboarding: Processing includes hiring a candidate, and managing and automating in-processing forms. Onboarding is the process of integrating new employees into an organization and equipping them to become successful and productive.

SIN 611430TD Talent Development

611430TD Professional services include the implementation and maintenance of comprehensive employee skills development, training and personal attributes via engagement programs to meet current and future talent demands of the agency and to develop and retain quality, high performing, and diverse talent. Services include conducting employee development needs assessments; designing employee development programs; administering and delivering employee development programs (Learning Management) and evaluating the overall effectiveness of the agency's employee development approach. The function includes the following sub-functions: A.3.1 Talent Development Planning and Strategy; A.3.2 Workforce Development and Training; and A.3.3 Learning Management. A.3.1 Talent Development Planning and Strategy services include providing advice, guidance and assistance to supervisors and employees as well as HR/personnel staff in managing self-improvement training resources, providing assistance in identifying training needs and requirements, coordinating the availability of various training programs, developmental career programs, executive leadership programs, and tuition assistance programs. A.3.2. Workforce Development and Training services include professional training and individual development services such as HR Specific Training for HR professionals, Leadership and management training, internships and apprenticeship programs. Training devices include but are not limited to audio visual presentation systems and educational media delivered web-based or via traditional print and storage media, CD ROM, Disc, and Thumb Drive. Training services include traditional coursework in all academic disciplines, web-based or classroom; conducting leadership training workshops and seminars not provided via traditional management training curricula available elsewhere, and conducting Speakers Bureau services and Leadership assessment surveys. A.3.3 Learning Management services include, but are not limited to: providing comprehensive professional support to the administration of traditional and automated Learning Management Systems (LMS), gathering and assessing of data (data analytics), reporting, testing and conducting test administration, Educational Program Research & Development, and general HR Consulting Services.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R408
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
611430	Professional and Management Development Training	\$15 million

D04. Social Services Subcategory

Subcategory Level Regulations:

Regulation Number	Regulation Title/Comments
552.238-115	SPECIAL ORDERING PROCEDURES FOR THE ACQUISITION OF ORDER-LEVEL MATERIALS (APR 2022)

SIN 624SS Social Services, Professional Counseling and Veterans' Readjustment and Behavioral Health Services

624SS Contractor provides comprehensive employee assistance and related social and behavioral health counseling and readjustment services including, but not limited to, traditional EAP, vocational and psychosocial rehabilitation, physical/occupational/educational therapy and outpatient recovery; personal and family support, wellness coaching, psychotherapy, including homeless counseling and placement services, emergency response and social advocacy services, educational and public health program administration, service registries (employment, daycare, etc); legal, benefit/compensation consultation in the areas of individual and family personal and financial enhancement. Provides Telemental Health counseling services which augments treatment and improves patient access using Telehealth channels. Provides licensed and credentialed personnel who provide case management behavioral health support leading to improved patient centered outcomes in the evaluation, assessment, treatment and rehabilitation of identified patient population individuals (i.e. multi-tour war theater veterans; disaster victims; incarcerated individuals delivered either in-the-home, in community based facilities or in correctional facilities), telephonically, via remote video and/or via telehealth, web-based and/or social media channels - in areas including but not limited to, substance abuse disorder (SUD), suicide prevention, depression, military sexual trauma (MST), Post-Traumatic Stress Disorder (PTSD) and/or Traumatic Brain Injury (TBI) and/or Polytrauma. Services may be all inclusive, separate, short and/or long term, bundled or unbundled.

Cooperative Purchasing: No
Set Aside: No
FSC/PSC Code : R799
Maximum Order : \$1,000,000

NAICS

Number	Description	Business Size
624190	Other Individual and Family Services	\$16 million

Instructions:

Contractor provides comprehensive employee assistance and related social and behavioral health counseling and readjustment services.

The functions include:

- o Traditional EAP
- o Vocational and psychosocial rehabilitation
- o Physical/ occupational/educational therapy and outpatient recovery
- o Personal and family support
- o Wellness coaching
- o Psychotherapy
- o Homeless counseling and placement services
- o Emergency response and social advocacy services
- o Educational and public health program administration
- o Service registries (employment, daycare, etc)
- o Legal
- o Benefit/compensation consultation in the areas of individual and family personal and financial enhancement.

o Telemental Health counseling

Services may be all inclusive, separate, short and/or long term, bundled or unbundled.

Full Text Regulations:

Begin Regulation

52.222-46 EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES (FEB 1993)

(a) Recompensation of service contracts may in some cases result in lowering the compensation (salaries and fringe benefits) paid or furnished professional employees. This lowering can be detrimental in obtaining the quality of professional services needed for adequate contract performance. It is therefore in the Government's best interest that professional employees, as defined in 29 CFR 541, be properly and fairly compensated. As part of their proposals, offerors will submit a total compensation plan setting forth salaries and fringe benefits proposed for the professional employees who will work under the contract. The Government will evaluate the plan to assure that it reflects a sound management approach and understanding of the contract requirements. This evaluation will include an assessment of the offeror's ability to provide uninterrupted high-quality work. The professional compensation proposed will be considered in terms of its impact upon recruiting and retention, its realism, and its consistency with a total plan for compensation. Supporting information will include data, such as recognized national and regional compensation surveys and studies of professional, public and private organizations, used in establishing the total compensation structure.

(b) The compensation levels proposed should reflect a clear understanding of work to be performed and should indicate the capability of the proposed compensation structure to obtain and keep suitably qualified personnel to meet mission objectives. The salary rates or ranges must take into account differences in skills, the complexity of various disciplines, and professional job difficulty. Additionally, proposals envisioning compensation levels lower than those of predecessor contractors for the same work will be evaluated on the basis of maintaining program continuity, uninterrupted high-quality work, and availability of required competent professional service employees. Offerors are cautioned that lowered compensation for essentially the same professional work may indicate lack of sound management judgment and lack of understanding of the requirement.

(c) The Government is concerned with the quality and stability of the work force to be employed on this contract. Professional compensation that is unrealistically low or not in reasonable relationship to the various job categories, since it may impair the Contractor's ability to attract and retain competent professional service employees, may be viewed as evidence of failure to comprehend the complexity of the contract requirements.

(d) Failure to comply with these provisions may constitute sufficient cause to justify rejection of a proposal.

Begin Regulation

52.228-5 INSURANCE—WORK ON A GOVERNMENT INSTALLATION (JAN 1997)

(a) The Contractor shall, at its own expense, provide and maintain during the entire performance of this contract, at least the kinds and minimum amounts of insurance required in the Schedule or elsewhere in the contract.

(b) Before commencing work under this contract, the Contractor shall notify the Contracting Officer in writing that the required insurance has been obtained. The policies evidencing required insurance shall

contain an endorsement to the effect that any cancellation or any material change adversely affecting the Government's interest shall not be effective—

(1) For such period as the laws of the State in which this contract is to be performed prescribe; or

(2) Until 30 days after the insurer or the Contractor gives written notice to the Contracting Officer, whichever period is longer.

(c) The Contractor shall insert the substance of this clause, including this paragraph (c), in subcontracts under this contract that require work on a Government installation and shall require subcontractors to provide and maintain the insurance required in the Schedule or elsewhere in the contract. The Contractor shall maintain a copy of all subcontractors' proofs of required insurance, and shall make copies available to the Contracting Officer upon request.

Begin Regulation

52.229-1 STATE AND LOCAL TAXES (APR 1984)

Notwithstanding the terms of the Federal, State, and Local Taxes clause, the contract price excludes all State and local taxes levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract. The Contractor shall state separately on its invoices taxes excluded from the contract price, and the Government agrees either to pay the amount of the taxes to the Contractor or provide evidence necessary to sustain an exemption.

Begin Regulation

52.222-62 PAID SICK LEAVE UNDER EXECUTIVE ORDER 13706 (JAN 2022)

(a) *Definitions.* As used in this clause (in accordance with 29 CFR 13.2) —

“Child”, “domestic partner”, and “domestic violence” have the meaning given in 29 CFR 13.2.

“Employee” —

(1) (i) Means any person engaged in performing work on or in connection with a contract covered by Executive Order (E.O.) 13706, and

(A) Whose wages under such contract are governed by the Service Contract Labor Standards statute ([41 U.S.C. chapter 67](#)), the Wage Rate Requirements (Construction) statute ([40 U.S.C. chapter 31](#), subchapter IV), or the Fair Labor Standards Act ([29 U.S.C. chapter 8](#)),

(B) Including employees who qualify for an exemption from the Fair Labor Standards Act's minimum wage and overtime provisions,

(C) Regardless of the contractual relationship alleged to exist between the individual and the employer; and

(ii) Includes any person performing work on or in connection with the contract and individually registered in a bona fide apprenticeship or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship.

- (2) (i) An employee performs “on” a contract if the employee directly performs the specific services called for by the contract; and
- (ii) An employee performs “in connection with” a contract if the employee’s work activities are necessary to the performance of a contract but are not the specific services called for by the contract.

“Individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship” has the meaning given in 29 CFR 13.2.

“Multiemployer” plan means a plan to which more than one employer is required to contribute and which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer.

“Paid sick leave” means compensated absence from employment that is required by E.O. 13706 and 29 CFR part 13.

“Parent”, “sexual assault”, “spouse”, and “stalking” have the meaning given in 29 CFR 13.2.

“United States” means the 50 States and the District of Columbia.

(b) *Executive Order 13706.*

(1) This contract is subject to E.O. 13706 and the regulations issued by the Secretary of Labor in 29 CFR part 13 pursuant to the E.O.

(2) If this contract is not performed wholly within the United States, this clause only applies with respect to that part of the contract that is performed within the United States.

(c) *Paid sick leave.* The Contractor shall —

(1) Permit each employee engaged in performing work on or in connection with this contract to earn not less than 1 hour of paid sick leave for every 30 hours worked;

(2) Allow accrual and use of paid sick leave as required by E.O. 13706 and 29 CFR part 13;

(3) Comply with the accrual, use, and other requirements set forth in 29 CFR 13.5 and 13.6, which are incorporated by reference in this contract;

(4) Provide paid sick leave to all employees when due free and clear and without subsequent deduction (except as otherwise provided by 29 CFR 13.24), rebate, or kickback on any account;

(5) Provide pay and benefits for paid sick leave used no later than one pay period following the end of the regular pay period in which the paid sick leave was taken; and

(6) Be responsible for the compliance by any subcontractor with the requirements of E.O. 13706, 29 CFR part 13, and this clause.

(d) Contractors may fulfill their obligations under E.O. 13706 and 29 CFR part 13 jointly with other contractors through a multiemployer plan, or may fulfill their obligations through an individual fund, plan, or program (see 29 CFR 13.8).

(e) *Withholding.* The Contracting Officer will, upon his or her own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the Contractor under this or any other Federal contract with the same Contractor, so much of the accrued payments or advances as may be considered necessary to pay employees the full amount owed to compensate for any violation of the requirements of E.O. 13706, 29 CFR part 13, or this clause,

including–

- (1) Any pay and/or benefits denied or lost by reason of the violation;
- (2) Other actual monetary losses sustained as a direct result of the violation; and
- (3) Liquidated damages.

(f) Payment suspension/contract termination/contractor debarment.

(1) In the event of a failure to comply with E.O. 13706, 29 CFR part 13, or this clause, the contracting agency may, on its own action or after authorization or by direction of the Department of Labor and written notification to the Contractor take action to cause suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(2) Any failure to comply with the requirements of this clause may be grounds for termination for default or cause.

(3) A breach of the contract clause may be grounds for debarment as a contractor and subcontractor as provided in 29 CFR 13.52.

(g) The paid sick leave required by E.O. 13706, 29 CFR part 13, and this clause is in addition to the Contractor's obligations under the Service Contract Labor Standards statute and Wage Rate Requirements (Construction) statute, and the Contractor may not receive credit toward its prevailing wage or fringe benefit obligations under those Acts for any paid sick leave provided in satisfaction of the requirements of E.O. 13706 and 29 CFR part 13.

(h) Nothing in E.O. 13706 or 29 CFR part 13 shall excuse noncompliance with or supersede any applicable Federal or State law, any applicable law or municipal ordinance, or a collective bargaining agreement requiring greater paid sick leave or leave rights than those established under E.O. 13706 and 29 CFR part 13.

(i) *Recordkeeping*

(1) The Contractor shall make and maintain, for no less than three (3) years from the completion of the work on the contract, records containing the following information for each employee, which the Contractor shall make available upon request for inspection, copying, and transcription by authorized representatives of the Administrator of the Wage and Hour Division of the Department of Labor:

- (i) Name, address, and social security number of each employee.
- (ii) The employee's occupation(s) or classification(s).
- (iii) The rate or rates of wages paid (including all pay and benefits provided).
- (iv) The number of daily and weekly hours worked.
- (v) Any deductions made.
- (vi) The total wages paid (including all pay and benefits provided) each pay period.
- (vii) A copy of notifications to employees of the amount of paid sick leave the employee has accrued, as required under 29 CFR 13.5(a)(2).
- (viii) A copy of employees' requests to use paid sick leave, if in writing, or, if not in writing, any other records reflecting such employee requests.

- (ix) Dates and amounts of paid sick leave taken by employees (unless the Contractor's paid time off policy satisfies the requirements of E.O. 13706 and 29 CFR part 13 as described in 29 CFR 13.5(f)(5), leave shall be designated in records as paid sick leave pursuant to E.O. 13706).
 - (x) A copy of any written responses to employees' requests to use paid sick leave, including explanations for any denials of such requests, as required under 29 CFR 13.5(d)(3).
 - (xi) Any records reflecting the certification and documentation the Contractor may require an employee to provide under 29 CFR 13.5(e), including copies of any certification or documentation provided by an employee.
 - (xii) Any other records showing any tracking of or calculations related to an employee's accrual or use of paid sick leave.
 - (xiii) The relevant contract.
 - (xiv) The regular pay and benefits provided to an employee for each use of paid sick leave.
 - (xv) Any financial payment made for unused paid sick leave upon a separation from employment intended, pursuant to 29 CFR 13.5(b)(5), to relieve the Contractor from the obligation to reinstate such paid sick leave as otherwise required by 29 CFR 13.5(b)(4).
- (2) (i) If the Contractor wishes to distinguish between an employee's covered and noncovered work, the Contractor shall keep records or other proof reflecting such distinctions. Only if the Contractor adequately segregates the employee's time will time spent on noncovered work be excluded from hours worked counted toward the accrual of paid sick leave. Similarly, only if the Contractor adequately segregates the employee's time may the Contractor properly refuse an employee's request to use paid sick leave on the ground that the employee was scheduled to perform noncovered work during the time he or she asked to use paid sick leave.
- (ii) If the Contractor estimates covered hours worked by an employee who performs work in connection with contracts covered by the E.O. pursuant to 29 CFR 13.5(a)(i) or (iii), the Contractor shall keep records or other proof of the verifiable information on which such estimates are reasonably based. Only if the Contractor relies on an estimate that is reasonable and based on verifiable information will an employee's time spent in connection with noncovered work be excluded from hours worked counted toward the accrual of paid sick leave. If the Contractor estimates the amount of time an employee spends performing in connection with contracts covered by the E.O., the Contractor shall permit the employee to use his or her paid sick leave during any work time for the Contractor.
- (3) In the event the Contractor is not obligated by the Service Contract Labor Standards statute, the Wage Rate Requirements (Construction) statute, or the Fair Labor Standards Act to keep records of an employee's hours worked, such as because the employee is exempt from the Fair Labor Standards Act's minimum wage and overtime requirements, and the Contractor chooses to use the assumption permitted by 29 CFR 13.5(a)(1)(iii), the Contractor is excused from the requirement in paragraph (i)(1)(iv) of this clause and 29 CFR 13.25(a)(4) to keep records of the employee's number of daily and weekly hours worked.
- (4) (i) Records relating to medical histories or domestic violence, sexual assault, or stalking, created for purposes of E.O. 13706, whether of an employee or an employee's child, parent, spouse, domestic partner, or other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, shall be maintained as confidential records in separate files/records from the usual personnel files.

(ii) If the confidentiality requirements of the Genetic Information Nondiscrimination Act of 2008 (GINA), section 503 of the Rehabilitation Act of 1973, and/or the Americans with Disabilities Act (ADA) apply to records or documents created to comply with the recordkeeping requirements in this contract clause, the records and documents shall also be maintained in compliance with the confidentiality requirements of the GINA, section 503 of the Rehabilitation Act of 1973, and/or ADA as described in 29 CFR 1635.9, 41 CFR 60-741.23(d), and 29 CFR 1630.14(c)(1), respectively.

(iii) The Contractor shall not disclose any documentation used to verify the need to use 3 or more consecutive days of paid sick leave for the purposes listed in 29 CFR 13.5(c)(1)(iv) (as described in 29 CFR 13.5(e)(1)(ii)) and shall maintain confidentiality about any domestic abuse, sexual assault, or stalking, unless the employee consents or when disclosure is required by law.

(5) The Contractor shall permit authorized representatives of the Wage and Hour Division to conduct interviews with employees at the worksite during normal working hours.

(6) Nothing in this contract clause limits or otherwise modifies the Contractor's recordkeeping obligations, if any, under the Service Contract Labor Standards statute, the Wage Rate Requirements (Construction) statute, the Fair Labor Standards Act, the Family and Medical Leave Act, E.O. 14026, their respective implementing regulations, or any other applicable law.

(j) *Interference/discrimination.*

(1) The Contractor shall not in any manner interfere with an employee's accrual or use of paid sick leave as required by E.O. 13706 or 29 CFR part 13. Interference includes, but is not limited to —

- (i) Miscalculating the amount of paid sick leave an employee has accrued;
- (ii) Denying or unreasonably delaying a response to a proper request to use paid sick leave;
- (iii) Discouraging an employee from using paid sick leave;
- (iv) Reducing an employee's accrued paid sick leave by more than the amount of such leave used;
- (v) Transferring an employee to work on contracts not covered by the E.O. to prevent the accrual or use of paid sick leave;
- (vi) Disclosing confidential information contained in certification or other documentation provided to verify the need to use paid sick leave; or
- (vii) Making the use of paid sick leave contingent on the employee's finding a replacement worker or the fulfillment of the Contractor's operational needs.

(2) The Contractor shall not discharge or in any other manner discriminate against any employee for —

- (i) Using, or attempting to use, paid sick leave as provided for under E.O. 13706 and 29 CFR part 13;
- (ii) Filing any complaint, initiating any proceeding, or otherwise asserting any right or claim under E.O. 13706 and 29 CFR part 13;
- (iii) Cooperating in any investigation or testifying in any proceeding under E.O. 13706

and 29 CFR part 13; or

(iv) Informing any other person about his or her rights under E.O. 13706 and 29 CFR part 13.

(k) *Notice.* The Contractor shall notify all employees performing work on or in connection with a contract covered by the E.O. of the paid sick leave requirements of E.O. 13706, 29 CFR part 13, and this clause by posting a notice provided by the Department of Labor in a prominent and accessible place at the worksite so it may be readily seen by employees. Contractors that customarily post notices to employees electronically may post the notice electronically, provided such electronic posting is displayed prominently on any website that is maintained by the Contractor, whether external or internal, and customarily used for notices to employees about terms and conditions of employment.

(l) *Disputes concerning labor standards.* Disputes related to the application of E.O. 13706 to this contract shall not be subject to the general disputes clause of the contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR part 13. Disputes within the meaning of this contract clause include disputes between the Contractor (or any of its subcontractors) and the contracting agency, the Department of Labor, or the employees or their representatives.

(m) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (m), in all subcontracts, regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States.

Begin Regulation

**552.238-91 MARKING AND DOCUMENTATION REQUIREMENTS
FOR SHIPPING (MAY 2019)**

(a) *Responsibility.* It shall be the responsibility of the ordering activity to determine the full marking and documentation requirements necessary under the various methods of shipment authorized by the contract.

(b) *Documentation.* In the event the ordering activity fails to provide the essential information and documentation, the Contractor shall, within three days after receipt of order, contact the ordering activity and advise them accordingly. The Contractor shall not proceed with any shipment requiring transshipment via U.S. Government facilities without the prerequisites stated in paragraph (c) of this section.

(c) *Direct shipments.* The Contractor shall mark all items ordered against this contract with indelible ink, paint or fluid, as follows:

- (1) Traffic Management or Transportation Officer at FINAL destination.
- (2) Ordering Supply Account Number.
- (3) Account number.
- (4) Delivery Order or Purchase Order Number.
- (5) National Stock Number, if applicable; or Contractor's item number.
- (6) Box _____ of _____ Boxes.
- (7) Nomenclature (brief description of items).

Begin Regulation

**552.238-105 DELIVERIES BEYOND THE CONTRACTUAL PERIOD
- PLACING OF ORDERS (MAY 2019)**

In accordance with Clause [552.238-113](#), Scope of Contract (Eligible Ordering Activities), this contract covers all requirements that may be ordered, as distinguished from delivered during the contract term. This is for the purpose of providing continuity of supply or operations by permitting ordering activities to place orders as requirements arise in the normal course of operations. Accordingly, any order mailed (or received, if forwarded by other 7 means than through the mail) to the Contractor on or before the expiration date of the contract, and providing for delivery within the number of days specified in the contract, shall constitute a valid order.

Begin Regulation

**552.238-73 IDENTIFICATION OF ELECTRONIC OFFICE
EQUIPMENT PROVIDING ACCESSIBILITY FOR INDIVIDUALS
WITH DISABILITIES (MAR 2022)**

(a) Definitions.

"Electronic office equipment accessibility" means the application/configuration of electronic office equipment (includes hardware, software and firmware) in a manner that accommodates the functional limitations of individuals with disabilities so as to promote productivity and provide access to work related and/or public information resources.

"Individuals with Disabilities" mean qualified individuals with impairments as cited in 29 U.S.C. 705(20) who can benefit from electronic office equipment accessibility.

"Special peripheral" means a special needs aid that provides access to electronic equipment that is otherwise inaccessible to individuals with disabilities.

(b) The offeror is encouraged to identify in its offer, and include in any commercial catalogs and pricelists accepted by the Contracting Officer, office equipment, including any special peripheral, that will facilitate electronic office equipment accessibility for individuals with disabilities. Identification should include the type of disability accommodated and how the users with that disability would be helped.

End of clause

Begin Regulation

**552.238-115 SPECIAL ORDERING PROCEDURES FOR THE
ACQUISITION OF ORDER-LEVEL MATERIALS (APR 2022)**

(a) Definition.

"Order-level materials", as used in this clause, means supplies and/or services acquired in direct support of an individual task or delivery order placed against a Federal Supply Schedule (FSS) contract or FSS blanket purchase agreement (BPA), when the supplies and/or services are not known at the time of Schedule contract or FSS BPA award. The prices of order-level materials are not established in the FSS contract or FSS BPA. Order-level materials acquired following the procedures in paragraph (d) of this clause are done so under the authority of the FSS program, pursuant to 41 U.S.C. 152(3), and are not open market items, which are discussed in FAR 8.402(f).

(b) FAR 8.403(b) provides that GSA may establish special ordering procedures for a particular FSS.

(c) The procedures in FAR subpart 8.4 apply to this contract, with the exceptions listed in this clause. If a requirement in this clause is inconsistent with FAR subpart 8.4, this clause takes precedence pursuant to FAR 8.403(b).

(d) Procedures for including order-level materials when placing an individual task or delivery order against an FSS contract or FSS BPA.

(1) The procedures discussed in FAR 8.402(f) do not apply when placing task and delivery orders that include order-level materials.

(2) Order-level materials are included in the definition of the term “material” in FAR clause 52.212-4 Alternate I, and, therefore, all provisions of FAR clause 52.212-4 Alternate I that apply to “materials” also apply to order-level materials.

(3) Order-level materials shall only be acquired in direct support of an individual task or delivery order and not as the primary basis or purpose of the order.

(4) The value of order-level materials in a task or delivery order, or the cumulative value of order-level materials in orders against an FSS BPA awarded under a FSS contract, shall not exceed 33.33%.

(5) All order-level materials shall be placed under the Order-Level Materials SIN.

(6) Prior to the placement of an order that includes order-level materials, the Ordering Activity shall follow the procedures in FAR 8.404(h).

(7) To support the price reasonableness of order-level materials—

(i) The Contractor proposing order-level materials as part of a solution shall obtain a minimum of three quotes for each order-level material above the simplified acquisition threshold.

(A) One of these three quotes may include materials furnished by the Contractor under paragraph (i)(1)(ii)(A) of FAR clause 52.212-4 Alternate I.

(B) If the Contractor cannot obtain three quotes, the Contractor shall maintain documentation of why three quotes could not be obtained to support their determination.

(C) A Contractor with an approved purchasing system, per FAR subpart 44.3, shall instead follow its purchasing system requirement and is exempt from the requirements in paragraphs (d)(7)(i)(A) through (B) of this clause.

(ii) The Ordering Activity Contracting Officer must make a determination that prices for all order-level materials are fair and reasonable. The Ordering Activity Contracting Officer may base this determination on a comparison of the quotes received in response to the task or delivery order solicitation or other relevant pricing information available.

(iii) If indirect costs are approved per paragraph (i)(1)(ii)(D)(2) of FAR clause 52.212-4 Alternate I, the Ordering Activity Contracting Officer must make a determination that all indirect costs approved for payment are fair and reasonable. Supporting data shall be submitted in a form acceptable to the Ordering Activity Contracting Officer.

(8) Prior to an increase in the ceiling price of order-level materials, the Ordering Activity Contracting Officer shall follow the procedures at FAR 8.404(h)(3)(iv).

(9) In accordance with GSAR clause 552.238-83, *Examination of Records by GSA (Federal*

Supply Schedules), GSA has the authority to examine the Contractor's records for compliance with the pricing provisions in FAR clause 52.212-4 Alternate I, to include examination of any books, documents, papers, and records involving transactions related to the contract for overbillings, billing errors, and compliance with the Industrial Funding Fee (IFF) and the Sales Reporting clauses of the contract.

(10) Order-level materials are exempt from the following clauses:

(i) 552.216-70 *Economic Price Adjustment - FSS Multiple Award Schedule Contracts*.

(ii) 552.238-77 *Submission and Distribution of Authorized Federal Supply Schedule (FSS) Price Lists*.

(iii) 552.238-81 *Price Reductions*.

End of clause