

**ORDERING INSTRUCTIONS FOR USING
THE DEPARTMENT OF THE NAVY
CUSTOMER TECHNICAL REPRESENTATIVE
(CTR) SUPPORT SERVICES
BLANKET PURCHASING AGREEMENTS**



January 2015

Awarded Blanket Purchase Agreement Schedule Holders

Vendor	GSA Schedule Contract Number	BPA Contract Number
Ironclad Technology Services, LLC	GS-35F-094AA	N00189-15-A-0001
Deployable Data Solutions, Corp	GS-35F-020AA	N00189-15-A-0002
Bowhead Information Technology Services, LLC	GS-35F-211BA	N00189-15-A-0003
Consolidated Networks Corporation	GS-35F-0114N	N00189-15-A-0004
Psi Pax, Inc.	GS-35F-034BA	N00189-15-A-0005
Five Stones Research Corporation <i>CTA with:</i>	GS-35F-0246W	N00189-15-A-0006
nLogic	GS-35F-0439Y	
EmeSec Incorporated	GS-35F-0027S	
Applied Computing Technologies, Inc.	GS-35F-0497J	N00189-15-A-0007
Seawolf Solutions Inc. <i>CTA with:</i>	GS-35F-573AA	N00189-15-A-0008
Cydecor, Incorporated	GS-35F-582AA	
New Directions Technologies, Inc.	GS-35F-0621Y	N00189-15-A-0009
James Communication, LLC	GS-35F-0885P	N00189-15-A-0010
Target Systems	GS-35F-0201L	N00189-15-A-0011
Atlantic CommTech Corporation	GS-35F-0202K	N00189-15-A-0012
DRT Strategies, Inc.	GS-35F-0553T	N00189-15-A-0013
MicroTech	GS-35F-0629R	N00189-15-A-0014
Defense Engineering, Inc. (DEI)	GS-35F-0450X	N00189-15-A-0015
Technique Solutions, Inc. <i>CTA with:</i>	GS-35F-318BA	N00189-15-A-0016
Arrowpoint Corporation	GS-35F-0414Y	
TWM Associates, Inc.	GS-35F-5656H	
iP-Plus Consulting, Inc.	GS-35F-0357Y	
One Federal Solution	GS-35F-0470W	
Arttra Inc.	GS-35F-338AA	
ExecuTech Strategic Consulting	GS-35F-0178W	N00189-15-A-0017
DKW Communications, Inc.	GS-35F-0704N	N00189-15-A-0018
KeyBridge Technologies, Inc.	GS-35F-0397X	N00189-15-A-0019
Summit Technologies, Inc. <i>CTA with:</i>	GS-35F-349AA	N00189-15-A-0020
Management Support Technology, Inc.	GS-35F-0188K	
Dynanet Corporation	GS-35F-5863H	
Fusion Technology LLC	GS-35F-0425W	
Systems Integration & Management Inc.	GS-35F-0221J	N00189-15-A-0021

Strategic Data Systems	GS-35F-0461V	N00189-15-A-0041
22 nd Century Technologies, Inc. <i>CTA with:</i> Optimal Solutions & Technologies Freealliance.com Azimuth Corporation	GS-35F-0579T GS-35F-0820M GS-35F-0481Y GS-35F-0352R	N00189-15-A-0042
Taurean General Services, Inc.	GS-35F-530AA	N00189-15-A-0043
JASINT Consulting and Technologies <i>CTA with:</i> Software Engineering Services Peak Security C5I Federal, Inc.	GS-35F-0442Y GS-35F-0466M GS-35F-0559W GS-35F-0496V	N00189-15-A-0044
Logistics Solutions Group, Inc.	GS-35F-0373Y	N00189-15-A-0045
Digital Hands <i>CTA with:</i> TechPort Solutions, Inc.	GS-35F-195BA GS-35F-0059T	N00189-15-A-0046
Syneren Technologies Corporation	GS-35F-0254S	N00189-15-A-0047
SilTek, Inc. <i>CTA with:</i> eFedSystems Corporation	GS-35F-0395Y GS-35F-071BA	N00189-15-A-0048
ABN Technologies, LLC	GS-35F-0626S	N00189-15-A-0049
AYA Associates, Inc. <i>CTA with:</i> Advanced Information Systems Group	GS-35F-0515W GS-35F-0168M	N00189-15-A-0050
Knowledge Management Inc.	GS-35F-0126W	N00189-15-A-0051
Apprio, Inc.	GS-35F-0214L	N00189-15-A-0052
e&e IT Consulting Services, Inc.	GS-35F-0121P	N00189-15-A-0053
Genesis Business Systems	GS-35F-0435W	N00189-15-A-0054

Scope of the Blanket Purchase Agreements

The Customer Technical Representative (CTR) role is a key enabler to the Next Generation Enterprise Network (NGEN). The NGEN CTR workforce will be the liaison between end-users and Claimant/Command Chief Information Officers (CIOs) in the consolidation and prioritization of NGEN command requirements to support end-user needs. CTRs will provide information to Command CIOs and Fleet Cyber Command/10th Fleet on mission impact and criticality of requirements to ensure technical management, and coordination with the Program Management Office (PMO), incident management, account management, and asset management.

The current requirement is to provide Customer Technical Representative (CTR) Support Services for the NGEN. The CTR function is the support role that provides a myriad of Information Technology (IT) services to the NGEN end user at the local command level. The CTR coordinates, assesses, and oversees the requirements and delivery of services to the end user through service management, account management,

application management, contract management, technical support, excepted network management, and security management. The table below shows the CTR core functions under NGEN functional areas.

<p>Program Management</p>	<ul style="list-style-type: none"> • Echelon II Financial Management <ul style="list-style-type: none"> ○ Budget, Execution & Reporting ○ IT Procurement Approval Process • Navy Enterprise IT Requirements Process • Echelon II Policy & Procedures • Echelon II Compliance & Enforcement
<p>Seat/Service Management</p>	<ul style="list-style-type: none"> • Requirement Identification, Validation & Processing (NEIRP/RAP) • Moves/Adds/Changes • CLIN Orders (NET/eMP) <ul style="list-style-type: none"> ○ New Services/Seat Refresh ○ Invoicing • Delivery Management <ul style="list-style-type: none"> ○ Schedule ○ Inventory ○ Operational Acceptance • Deployable Exit / Return • Specialist Services <ul style="list-style-type: none"> ○ S&T ○ NNPI ○ Transactors ○ Classrooms
<p>Device Management</p>	<ul style="list-style-type: none"> • Inventory Management & Warranty Repair / Replacement for all Fastrack items: <ul style="list-style-type: none"> ○ Printers ○ Monitors ○ Scanners ○ Keyboards / Mice ○ Port Replicators / Docking Stations • Disposal of: <ul style="list-style-type: none"> ○ SIPR Hard Drives ○ Encrypted NIPR Hard Drives ○ TRP Network Devices ○ EOL Printers • Missing, Lost, Stolen, Damaged Process • CFE Repair CLIN Processing
<p>Application Management</p>	<ul style="list-style-type: none"> • FAM Approval • DADMS & ISF Tools Registrations • Claimant Application List • Testing, Certification & Distribution • License Management • Tools Management and Coordination • Virtualization
<p>Network Operations (NETOPS)</p>	<ul style="list-style-type: none"> • Incident & Event Management <ul style="list-style-type: none"> ○ Recognize, Prioritize, Respond ○ Remediate ○ Reporting • Problem & Issue Management Resolution <ul style="list-style-type: none"> ○ Monitoring & Recognition

	<ul style="list-style-type: none"> ○ Trouble Ticket Management <ul style="list-style-type: none"> ▪ Trend Analysis ▪ Tracking & Mitigation ○ Leadership Escalation ○ Enterprise Solutions ● Change Management <ul style="list-style-type: none"> ○ Network Maintenance Assessments & Coordination ● Operations / C2 Support <ul style="list-style-type: none"> ○ Maintain SA ○ Influence Network C2 (GDAs) ○ Operations / Exercise Planning Support ○ COOP Planning and Activation
Information Assurance	<ul style="list-style-type: none"> ● Certification & Accreditation ● Including <ul style="list-style-type: none"> ○ Physical Security ○ Account / Port Remediation ○ Tracking Spill Remediation ○ Tracking Access ○ Permissions Policy ○ Configuration Compliance ● HBSS ● Encryption ● Disposal ● User Training ● Firewall / Boundary Management ● Monitoring, Response & Reporting
Project Management	<ul style="list-style-type: none"> ● Emerging Technology & Insertion <ul style="list-style-type: none"> ○ WIN 7 ○ Hosted Virtual Desktop Pilot ○ TRP Execution (Printers & Network) ○ MILCON / BRAC ○ SIPR PKI ○ Organization / Site Efficiencies ○ Unpriced CLIN coordination
Legacy/EN Management	<ul style="list-style-type: none"> ● Migration Requirements / Solutions ● Cyber Asset Reduction & Security ● DADMS / ISF Tools Management ● Data Center Consolidation
Resource Management	<ul style="list-style-type: none"> ● File Share Allocations ● Network Permissions ● Account Management

Where to Find the Blanket Purchase Agreements

The BPAs are located within the GSA eBuy portal:

(https://www.ebuy.gsa.gov/advantage/ebuy/start_page.do).

- Once on the website login under “Government Buyers”
- Select “Prepare an RFQ”
- Search “NAVY CTR”

To maximize competition all 35 vendors will automatically be notified of an RFQ. This does not mean that all 35 vendors will submit a response.

The Navy CTR Support Services BPAs are available to all Navy and Marine Corp agencies.

Fair Opportunity / Competitive Procedures for Placing Orders

In November 2014, the Fleet Logistics Center Norfolk (FLCN) awarded a suite of Blanket Purchase Agreements (BPAs) to General Services Administration (GSA) Federal Supply Schedule contract holders. The BPAs have been awarded to the following Special Items Number (SIN) as listed within the GSA schedule SIN 132 51 – Information Technology Professional Services. The ordering period is 25 November 2014 through 24 November 2017. These BPAs are available for use by all Navy and Marine Corps agencies.

<u>Customer Technical Representative Support Services</u>	
<u>132 51</u>	Information Technology Professional Services

This guide is intended to simplify the rules for solicitation and competition so the benefits of using the BPAs can be realized.

Since the BPAs were awarded in accordance with Federal Acquisition Regulations (FAR) subpart 8.405 against Federal Supply Schedule (FSS) contracts, the process for placing orders must be consistent with the procedures outlined by FAR Subpart 8.4 and Department of Defense FAR Supplement (DFARS) Subpart 208.4. This means competition among the BPA vendors is still required. However you will have flexibility in satisfying your requirement when using the Navy Customer Technical Representative Support Services BPAs.

Compliance with Regulations:

FAR 8.405-3(c) (2)

(i) Orders at or below the micro-purchase threshold. The ordering activity may place orders at or below the micro-purchase threshold with any BPA holder that can meet the agency needs. The ordering activity should attempt to distribute any such orders among the BPA holders.

(ii) Orders exceeding the micro-purchase threshold but not exceeding the simplified acquisition threshold.

(A) The ordering activity must provide each multiple-award BPA holder a fair opportunity to be considered for each order exceeding the micro-purchase threshold, but not exceeding the simplified acquisition threshold unless one of the exceptions at 8.405-6(a)(1)(i), (which refers to limited sources), applies.

(B) The ordering activity need not contact each of the multiple-award BPA holders before placing an order if information is available to ensure that each BPA holder is provided a fair opportunity to be considered for each order.

(C) The ordering activity contracting officer shall document the circumstances when restricting consideration to less than all multiple-award BPA holders offering the required supplies and services.

(iii) Orders exceeding the simplified acquisition threshold.

(A) The ordering activity shall place an order in accordance with paragraphs (c)(2)(iii)(A)(1), (2) and (3) of this paragraph, unless the requirement is waived on the basis of a justification that is prepared and approved in accordance with 8.405-6(a)(1)(i), (which refers to limited sources). The ordering activity shall—

(1) Provide an RFQ to all BPA holders offering the required supplies or services under the multiple-award BPAs, to include a description of the supplies to be delivered or the services to be performed and the basis upon which the selection will be made;

(2) Afford all BPA holders responding to the RFQ an opportunity to submit a quote; and

(3) Fairly consider all responses received and make award in accordance with the selection procedures.

(B) The ordering activity shall document evidence of compliance with these procedures and the basis for the award decision.

Since the BPAs have been awarded against FSS contracts, FAR Part 13, Simplified Acquisition Procedures (except 13.303-2(c)(3)); Part 14, Sealed Bidding; and Part 15, Contracting by Negotiation do not apply.

Although the preference programs of FAR Part 19 are not mandatory, in accordance with FAR 8.405-5, ordering activity contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in FAR 19.000. When setting aside orders, follow the ordering procedures for Federal Supply Schedules at 8.405-1, 8.405-2, and 8.405-3, and the specific small business program eligibility requirements identified in Part 19 apply.

DFARS 237.170

The DFARS 237 requirement for documenting use of non-DOD contracting vehicles does not apply to the BPAs. FLCN prepared the DFARS 237 determination for placement of the BPAs using non-DOD contracts (Federal Supply Schedules). The resulting BPAs are Navy contracting vehicles and do not require additional justification for use.

DASN Policy Memorandum: *Class Deviation – Determination of Fair and Reasonable Prices When Using Federal Supply Schedule* (April 2014) is in effect until incorporated in the Defense Federal Acquisition Regulation Supplement or rescinded. In accordance with the policy letter, “activity contracting officers are responsible for making a determination of fair and reasonable pricing when using Federal Supply Schedules...ordering activity contracting officers still are responsible for using proposal analysis techniques at FAR 15.404-1 to determine fair and reasonable pricing for individual orders, blanket purchase agreements (BPAs), and orders placed under BPAs. The complexity and circumstances of each acquisition should determine the level of analysis required.”

Soliciting Your Requirement:

Posting of a request for quotations on the General Services Administration’s electronic quote system, “e-Buy” (www.gsaAdvantage.gov), is one medium for providing fair notice to all BPA contractors. Buyers who are unfamiliar with GSA eBuy should reference the “eBuy Training” tab at the top of the GSA eBuy Home page for a tutorial

The BPAs are located within the GSA eBuy portal:

(https://www.ebuy.gsa.gov/advantage/ebuy/start_page.do).

- Once on the website login under “Government Buyers”
- Select “Prepare an RFQ”
- Search “NAVY CTR”

If RFQs are not posted to the corridor identified, the following language must be contained within the RFQ:

“This Request for Quotation (RFQ) and subsequent order is set-aside exclusively for only those authorized DoN/NAVSUP FLC Norfolk Blanket Purchase Agreement DoN GSA Customer Technical Representative Support Services suite holders. Quotes from other than these vendors will not be considered.”

After quotes have been received, evaluate them and then make a “Best Value” (**See Back-up Note) determination based on the evaluation criteria specified in the RFQ. NOTE **Regarding Best Value, ordering activities have considerable latitude in structuring their procurement and may consider both price and other factors (e.g., past performance, schedule or technical features) in selecting BPA vendors.

1. Place the Order

Ordering agencies may place orders for customer technical representative services through a Purchase Card transaction (actions below the purchase threshold of \$2,500 for acquisition of services subject to the Service Contract Act).

2. Documentation

The ordering activity must, at a minimum, include the following documentation in the purchase file:

Where no Statement of Work is required:

Name of the BPA vendor from which the service was purchased;

- A description of the service,
- Purchase price,
- If applicable, the circumstances and rationale for restricting consideration of BPA contractors to fewer than required,
- The basis for the award.

Where a Statement of Work is required

Name of the BPA vendor from which the service was purchased, and the name of BPA vendors considered;

- A description of the service,
- Purchase price
- Evaluation Criteria
- Rationale for any tradeoffs (if applicable)
- Price reasonableness determination
- The RFQ for orders exceeding the simplified acquisition threshold

Limited sources justification and approvals:

FAR 8.405-6

“Orders placed under Federal Supply Schedules are exempt from the requirements in Part 6. However, an ordering activity must justify its action when restricting consideration—

- (1) Of schedule contractors to fewer than required in [8.405-1](#) or [8.405-2](#);
or
- (2) To an item peculiar to one manufacturer (*e.g.*, a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer. Brand name specifications shall not be used unless the particular brand name, product, or feature is essential to the Government’s requirements, and market research indicates other

companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's need."

THINGS ABOUT WHICH TO BE MINDFUL

Quality Assurance Surveillance Plans (QASPs) and Contracting Officer Representative (CORs)

Quality assurance policies and procedures are applicable at the individual order level and are the responsibility of acquiring activity. Requirements owners and their respective contracting activity must insure QASP and COR requirements are met and documented, as applicable to the specific requirement, and in accordance with specific agency requirements.

Inherently Governmental Functions

NAVSUP GLS provides a tool for requirements owners and buyers to consider when a service contract is contemplated. NAVSUP GLS buyers will find the tool and certification here: <https://www.navsup.navy.mil/cks/referencelibrary> , (search on "Inherently Governmental Functions"). **Other agency-specific tools and forms may apply to your specific agency and your specific requirement. The following tool is provided for reference only:**

NAVSUP GLS GOVERNMENTAL FUNCTIONS DETERMINATION WORKSHEET (version 1, dated 8/28/13)		
A tool to be used by customers when "Service Contract" is contemplated		
"Inherently governmental function," as defined in section 5 of the Federal Activities Inventory Reform (FAIR) Act, Public Law 105-270, means a function that is so intimately related to the public interest as to require performance by Federal Government employees. The Office of Federal Policy Letter (OFPP) 11-01, Performance of Inherently Governmental and Critical Functions, provides the following examples of work that is inherently governmental. If the Services to be contracted involve any of the following functions listed below, then the function must be performed by federal government employees.		
Section A: ILLUSTRATIVE LIST OF INHERENTLY GOVERNMENTAL		
Answer "YES" or "NO" to the functions below that apply based on the work statement or the way the contract is performed. Any "YES" response to a function below must be performed in-house and cannot be contracted. Does this function:	YES	NO
1. Involve the direct conduct of criminal investigation?	<input type="checkbox"/>	<input type="checkbox"/>
2. Involve the control of prosecutions and performance of adjudicatory functions (other than those relating to arbitration or other methods of alternative dispute resolution)?	<input type="checkbox"/>	<input type="checkbox"/>
3. Involve the command of military forces, especially the leadership of military personnel who are performing a combat, combat support or combat service support role?	<input type="checkbox"/>	<input type="checkbox"/>
4. Involve combat?	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve security provided under any of the circumstances set out below. This provision should not be interpreted to preclude contractors taking action in self-defense or defense of others against the imminent threat of death or serious injury:		
5a. Involve security operations performed in direct support of combat as part of a larger integrated armed forces?	<input type="checkbox"/>	<input type="checkbox"/>
5b. Involve security operations performed in environments where, in the judgment of responsible Federal official, there is a significant potential for security operations to evolve into combat. Where the U.S. military is present, the judgment of the military commander should be sought regarding the potential for the operations to evolve into combat?	<input type="checkbox"/>	<input type="checkbox"/>
5c. Involve security that entails augmenting or reinforcing others (whether private security contractors, civilians, or military units) that have become engaged in combat?	<input type="checkbox"/>	<input type="checkbox"/>
6. Involve the conduct of foreign relations and the determination of foreign policy?	<input type="checkbox"/>	<input type="checkbox"/>
7. Involve determination of agency policy, such as determining the content and application of regulations?	<input type="checkbox"/>	<input type="checkbox"/>
8. Involve determination of budget policy, guidance, and strategy?	<input type="checkbox"/>	<input type="checkbox"/>
9. Involve determination of federal program priorities or budget requests?	<input type="checkbox"/>	<input type="checkbox"/>
10. Involve selection or non-selection of individuals for federal government employment, including the interviewing of individuals for employment?	<input type="checkbox"/>	<input type="checkbox"/>
11. Involve direction and control of federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
12. Involve direction and control of intelligence and counter-intelligence operations?	<input type="checkbox"/>	<input type="checkbox"/>
13. Involve approval of position descriptions and performance standards for federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
14. Involve determination of what government property is to be disposed of and on what terms (although an agency may give contractors authority to dispose of property at prices with specified ranges and subject to other reasonable conditions deemed appropriate by the	<input type="checkbox"/>	<input type="checkbox"/>
15. Involve in Federal Procurement activities with respect to prime contracts:		
15a. Determining what supplies or services are to be acquired by the government (although an agency may give contractors authority to acquire supplies at prices within the specified ranges and subject to other reasonable conditions deemed appropriate by the	<input type="checkbox"/>	<input type="checkbox"/>
15b. Participating as a voting member on any source selection boards?	<input type="checkbox"/>	<input type="checkbox"/>
15c. Approving of any contractual documents, including documents defining requirements, incentive plans, and evaluation criteria?	<input type="checkbox"/>	<input type="checkbox"/>
15d. Determining that prices are fair and reasonable?	<input type="checkbox"/>	<input type="checkbox"/>
15e. Awarding contracts?	<input type="checkbox"/>	<input type="checkbox"/>
15f. Administering contracts (including ordering changes in contract performance or contract quantities, making final determinations about a contractor's performance, including approving award fee determinations or past performance evaluations and taking actions based on those evaluations, and accepting or rejecting contractor products or services)?	<input type="checkbox"/>	<input type="checkbox"/>
15g. Terminating contracts?	<input type="checkbox"/>	<input type="checkbox"/>
15h. Determining whether contract costs are reasonable, allocable, and allowable?	<input type="checkbox"/>	<input type="checkbox"/>

Section A: ILLUSTRATIVE LIST INHERENTLY GOVERNMENTAL FUNCTIONS (continued)		
Answer "YES" or "NO" to the functions below that apply based on the work statement or the way the contract is performed. Any "YES" response to a function below must be performed in-house and cannot be contracted. Does this function:	YES	NO
15i. Participating as a voting member on performance evaluation boards?	<input type="checkbox"/>	<input type="checkbox"/>
16. Involve in the selection of grant and cooperative agreement recipients including:		
16a. Approval of agreement activities?	<input type="checkbox"/>	<input type="checkbox"/>
16b. Negotiating the scope of work to be conducted under grants/cooperative agreements?	<input type="checkbox"/>	<input type="checkbox"/>
16c. Approval of modifications to grant/cooperative agreement budget and activities?	<input type="checkbox"/>	<input type="checkbox"/>
16d. Performance monitoring?	<input type="checkbox"/>	<input type="checkbox"/>
17. Involve approval of agency responses to Freedom of Information Act requests (other than routine responses that, because of statute, regulation, or agency policy, do not require the exercise of judgment in determining whether documents are to be released or withheld), and the approval of agency responses to the administrative appeals of denials of Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>
18. Involve conduct of administrative hearings to determine the eligibility of any person for a security clearance, or involving actions that affect matters of personal reputation or eligibility to participate in government programs?	<input type="checkbox"/>	<input type="checkbox"/>
19. Involve approval of Federal licensing actions and inspections?	<input type="checkbox"/>	<input type="checkbox"/>
20. Involve collection, control, and disbursement of fees, royalties, duties, fines, taxes and other public funds, unless authorized by statute, such as title 31 U.S.C. 952 (relating to private collection contractors) and title 31 U.S.C. 3718 (relating to private attorney collection services), but not including:	<input type="checkbox"/>	<input type="checkbox"/>
20a. Collection of fees, fines, penalties, costs or other charges from visitors to or patrons of mess halls, post or base exchange concessions, national parks, and similar entities or activities, or from other persons, where the amount to be collected can be readily controlled using standard cash management techniques?	<input type="checkbox"/>	<input type="checkbox"/>
20b. Routine voucher and invoice examination?	<input type="checkbox"/>	<input type="checkbox"/>
21. Involve control of the Treasury accounts?	<input type="checkbox"/>	<input type="checkbox"/>
22. Involve administration of public trusts?	<input type="checkbox"/>	<input type="checkbox"/>
23. Involve drafting of official agency proposals for legislation, congressional testimony, responses to audit reports from an inspector general, the Government Accountability Office, or other Federal audit entity?	<input type="checkbox"/>	<input type="checkbox"/>
24. Involve representation of the government before administrative and judicial tribunals, unless a statute expressly authorizes the use of attorneys whose services are procured through contract?	<input type="checkbox"/>	<input type="checkbox"/>

Section B: ILLUSTRATIVE LIST OF CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS

Pursuant to the requirements of 10 U.S.C. 2463, special consideration to using Federal employees to perform closely associated functions is required. Furthermore, it is required to the maximum extent practicable to minimize reliance on contractors performing work closely associated with inherently governmental functions consistent with 10 U.S.C. 2330a. Office of Federal Procurement Policy (OFPP) Letter 11-01, Performance of Inherently Governmental and Critical Functions, provides the following examples of work that is closely associated with inherently governmental functions that may be performed by either Federal employees or contractors.

Answer "YES" or "NO" to the functions below that apply based on the work statement or the way the contract is performed. For "Yes" answers, provide explanation in Section C and identify corrective action(s) to be taken to eliminate or mitigate the risk of performing services that are closely associated to inherently governmental functions. Does this function:	YES	NO
1. Involve services in support of inherently governmental functions, including, but not limited to the following?	<input type="checkbox"/>	<input type="checkbox"/>
1a. Performing budget preparation activities, such as workload modeling, fact finding, efficiency studies, and should-cost analyses?	<input type="checkbox"/>	<input type="checkbox"/>
1b. Undertaking activities to support agency planning and reorganization?	<input type="checkbox"/>	<input type="checkbox"/>
1c. Providing support for developing policies, including drafting documents, and conducting analyses, feasibility studies, and strategy options?	<input type="checkbox"/>	<input type="checkbox"/>
1d. Providing services to support the development of regulations and legislative proposals pursuant to specific policy direction?	<input type="checkbox"/>	<input type="checkbox"/>

Section B: ILLUSTRATIVE LIST OF CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS

Pursuant to the requirements of 10 U.S.C. 2463, special consideration to using Federal employees to perform closely associated functions is required. Furthermore, it is required to the maximum extent practicable to minimize reliance on contractors performing work closely associated with inherently governmental functions consistent with 10 U.S.C. 2330a. Office of Federal Procurement Policy (OFPP) Letter 11-01, Performance of Inherently Governmental and Critical Functions, provides the following examples of work that is closely associated with inherently governmental functions that may be performed by either Federal employees or contractors.

1e. Supporting acquisition, including the areas of:		
i) acquisition planning	<input type="checkbox"/>	<input type="checkbox"/>
I) conducting market research?	<input type="checkbox"/>	<input type="checkbox"/>
II) developing inputs for government cost estimates?	<input type="checkbox"/>	<input type="checkbox"/>
III) drafting statements of work and other pre-award documents?	<input type="checkbox"/>	<input type="checkbox"/>
ii) source selection	<input type="checkbox"/>	<input type="checkbox"/>
I) preparing a technical evaluation and associated documentation?	<input type="checkbox"/>	<input type="checkbox"/>
II) participating as a technical advisor to a source selection board or as a nonvoting member of a source selection evaluation board?	<input type="checkbox"/>	<input type="checkbox"/>
III) drafting the price negotiations and memorandums?	<input type="checkbox"/>	<input type="checkbox"/>
iii) contract management	<input type="checkbox"/>	<input type="checkbox"/>
I) assisting in the evaluation of a contractor's performance (e.g., by collecting information performing an analysis, or making a recommendation for a proposed performance rating?	<input type="checkbox"/>	<input type="checkbox"/>
II) providing support for assessing contract claims and preparing termination settlement documents?	<input type="checkbox"/>	<input type="checkbox"/>
1f. Preparation of responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>
2. Involve work situation that permits or might permit access to confidential business information or other sensitive information (other than situations covered by the National Industrial Security Program described in FAR 4.402(b))?	<input type="checkbox"/>	<input type="checkbox"/>
3. Involve dissemination of information regarding agency policies or regulations, such as conducting community relations campaigns, or conducting agency training courses?	<input type="checkbox"/>	<input type="checkbox"/>
4. Involve participation in a situation where it might be assumed that participants are agency employees or representatives, such as attending conferences on behalf of the agency?	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve service as arbitrators or provision of alternative dispute resolution (ADR) services?	<input type="checkbox"/>	<input type="checkbox"/>
6. Involve construction of buildings or structures intended to be secure from electronic eavesdropping or other penetration by foreign governments?	<input type="checkbox"/>	<input type="checkbox"/>
7. Involve provision of inspection services?	<input type="checkbox"/>	<input type="checkbox"/>
8. Involve provision of legal advice and interpretations of regulations and statutes to government officials?	<input type="checkbox"/>	<input type="checkbox"/>
9. Involve provision of non-law-enforcement security activities that do not directly involve criminal investigations, such as prisoner detention or transport and non-military national security details?	<input type="checkbox"/>	<input type="checkbox"/>

Certification of Non-Personal Services Contract

NAVSUP GLS provides this tool for requirements owners and buyers to consider when a service contract is contemplated. NAVSUP GLS buyers will find the tool and certification here:

https://www.navsup.navy.mil/cks/search_results?ms=personal+services

(search on "Personal Services"). **Other agency-specific tools and forms may apply to your specific agency and specific requirement. The following tool is provided for reference only:**

Certification of Non-Personal Services Contract Request for Services Contract Approval (DFARS PGI 237.503)

This certification and enclosed worksheet is designed to ensure that the agency does not award a personal-services contract unless specifically authorized by statute (e.g., 10 U.S.C. 129b, 5 U.S.C. 3109, or 10 U.S.C. 1091). Therefore, this documentation should be completed in conjunction with the submission of a service-contract requirement to the contracting officer.

A personal services contract is characterized by the employer-employee relationship it creates between the Government and the contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment procedures required by civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of the services by contract.

An employer-employee relationship under a service contract occurs when the Government exercises relatively continuous supervision and control over contractor personnel performing the contract.

Upon considering the information above and the worksheet below, I certify that this requirement does not include an unauthorized personal services arrangement, either in the way the work statement is written or in the manner in which the resulting contract will be managed and overseen.

Printed Name, Grade, Title, of Requiring Activity Representative and Date

Signature: _____

Perk Personal Services (The following descriptive elements from FAR 37.104 should be used as a guide to assess whether or not a proposed contract is personal in nature. If the answer to any of the items below is "YES," then additional measures should be taken to ensure the contract is not administered so as to create an employer-employee relationship between the Government and the contractor's personnel and result in an unauthorized personal services contract.)	YES	NO
1. Contractor personnel are performing on a Government site.		
2. Principal tools and equipment are furnished by the Government.		
3. Services are applied directly to the integral effort of the agency or an organizational subpart in furtherance of assigned function or mission.		
4. Comparable services meeting comparable needs are performed in this agency or similar agencies using civil-service personnel.		
5. The need for the service provided can reasonably be expected to last beyond one year.		

6. The inherent nature of the service, or the manner in which it is to be provided, reasonably requires (directly or indirectly) Government direction or supervision of contractor employees in order to: (a) adequately protect the Government's interest; (b) retain control of the function involved; or (c) retain full personal responsibility for the function supported in a duly authorized Federal officer or employee.

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