



# Category Management and IDIQs: Using Data to Change How the Government Acquires Goods and Services

TASC - TGIC  
Exchange Brief  
18 May 2021

## The Fine Print...Legal and Contracting Disclaimers

- The following presentation is for informational and educational purposes only and does not constitute legal advice. No attorney client privilege is created as a result of this presentation. For legal advice on specific government contracts legal situations and circumstances, please contact an attorney to obtain specific legal guidance.
- This Exchange Briefing is a non-attribution forum. Any comments related to specific acquisitions are not considered official agency positions. Questions related to a specific procurement or contract should be directed to the appropriate contracting officer.



## Exchange Brief Purpose

- Provide value to both Government and Industry
- Improve communications, cooperation and consultation
- Government presents its perspectives to the Industry
- Industry better understands what Government priorities
  - Category Management Goals
  - How Is Category Management Being Implemented
  - How Can Industry Best Respond to Meet Customer Requirements and Improve Government Operations...and Succeed and Thrive
- Thanks to NCMA for 2 Hours CEU/CLP



# Agenda

- Opening Comments
- Rules of Engagement
- Category Management Overview: OMB Memo M-19-13 of March 2019
- Panelists' Comments
  - Adam Soderholm, Director, GSA Gov-wide Strategic Initiatives & Business Intelligence, Office of Professional Services & Human Capital Categories
  - Sam Q. Le., Office of General Counsel, U.S. Small Business Administration
  - Jeremy Morrill, USAF AMIC PKD, the Counter Narcotics and Global Threats Division (CN&GT)
  - Danno Svaranowic, Itility, OASIS and VETS-2 Small Business Program Manager
  - Pat O'Donnell, Attorney, Kaufman & Canoles, P.C.
  - Brad Reaves/Paul Hawkins, Attorney, ReavesColey PLLC
- Break (~1015)
- Questions and Answers



## The Tidewater Association of Service Contractors (TASC)

- Focal point for industry collaboration toward greater awareness of Government business opportunities while sharing industry's experience and perspective with Government partners to more clearly define, understand, and improve the acquisition process to optimize support to the warfighter and Federal agencies, as well as stewardship to the taxpayer. TASC is focused on providing value to both membership bases: Industry and Government -
- Industry Member: Value through access to government decision makers and forecasted opportunities by facilitating various industry day, education and networking events.
- Government Member: Value through access to industry feedback, a conduit for market research participation, education, and networking events.



## The Tidewater Government/Industry Council (TGIC)

- Provide for effective avenues of communications, cooperation and consultation between Government Contracting Activities, their Customer Activities and to private industry in the Hampton Roads, Virginia area in order to improve the productivity of contracting and the quality of the end product for the mutual benefit of the Government and industry.
- Explore and develop methods of quality/productivity improvement; foster a spirit of cooperation; provide a forum to share new ideas and initiatives; and suggest changes to applicable policies, regulations and/or statutes through the appropriate channels.
- It is not the purpose of the Council to discuss specific contractual actions or discuss particular future procurements.



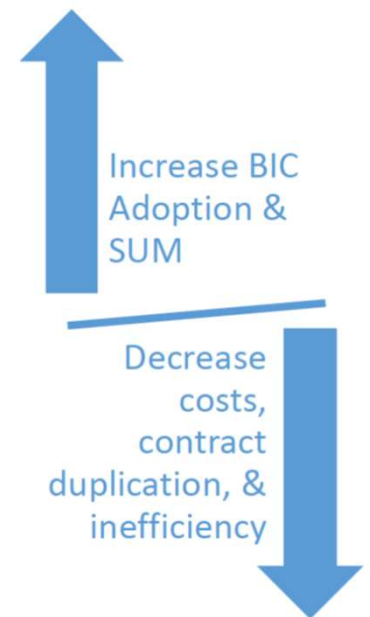
## Rules of Engagement

- Non-attributional
- Contract, office, customer and contractor agnostic
- Submit questions through the Chat function
  - Please Identify Your Perspective as Government, Industry, or Education
  - If Appropriate, Identify Any Particular Panelist You Desire to Answer
- Questions welcomed throughout
  - As topics evolve
  - As time permits
- Please complete survey- your feedback is critical



## What Is Category Management?

- Category management is an approach the Federal Government is applying to buy smarter and more like a single enterprise. The goals of government-wide category management are to:
  - Deliver more savings, value, and efficiency for Federal agencies;
  - Eliminate unnecessary contract redundancies; and
  - Meet the government's small business goals.
- Data Is Used to:
  - Group and Quantify Categories
  - Identify Opportunities for Increasing Spend Under Management
  - Identify Success of Best-in-Class Contracts







# What Is the Scope of Category Management?

## 10 Government-wide Categories



<b>FACILITIES &amp; CONSTRUCTION = \$81.2B LED BY GSA</b>	<b>PROFESSIONAL SERVICES = \$71.1B LED BY GSA</b>	<b>IT = \$56.7B LED BY GSA</b>	<b>MEDICAL = \$43.5B CO-LED BY DoD &amp; VA</b>	<b>TRANSPORTATION &amp; LOGISTICS = \$28.5B LED BY DoD</b>
<ul style="list-style-type: none"> <li>Construction Related Materials</li> <li>Construction Related Services</li> <li>Facilities Purchase &amp; Lease</li> <li>Facility Related Materials</li> <li>Facility Related Services</li> </ul>	<ul style="list-style-type: none"> <li>Business Admin Services</li> <li>Financial Services</li> <li>Legal Services</li> <li>Management &amp; Advisory Services</li> <li>Marketing &amp; Public Relations</li> <li>Research &amp; Development</li> <li>Social Services</li> <li>Technical &amp; Engineering Services</li> </ul>	<ul style="list-style-type: none"> <li>IT Software</li> <li>IT Hardware</li> <li>IT Consulting</li> <li>IT Security</li> <li>IT Outsourcing</li> <li>Telecommunications</li> </ul>	<ul style="list-style-type: none"> <li>Drugs &amp; Pharmaceutical Products</li> <li>Healthcare Services</li> <li>Medical Equipment, Accessories, &amp; Supplies</li> </ul>	<ul style="list-style-type: none"> <li>Fuels</li> <li>Logistics Support Services</li> <li>Motor Vehicles (non-combat)</li> <li>Package Delivery &amp; Packaging</li> <li>Transportation Equipment</li> <li>Transportation of Things</li> </ul>
<b>INDUSTRIAL PRODUCTS &amp; SERVICES = \$11.1B LED BY GSA</b>	<b>TRAVEL = \$7.5B LED BY GSA</b>	<b>SECURITY &amp; PROTECTION = \$5.4B LED BY DHS</b>	<b>HUMAN CAPITAL = \$4.5B LED BY OPM</b>	<b>OFFICE MANAGEMENT = \$2.3B LED BY GSA</b>
<ul style="list-style-type: none"> <li>Basic Materials</li> <li>Fire / Rescue / Safety / Environmental Protection Equipment</li> <li>Hardware &amp; Tools</li> <li>Industrial Products</li> <li>Install / Maintenance / Repair</li> <li>Machinery &amp; Components</li> <li>Oils, Lubricants, &amp; Waxes</li> <li>Test &amp; Measurement Supplies</li> </ul>	<ul style="list-style-type: none"> <li>Employee Relocation</li> <li>Lodging</li> <li>Passenger Travel</li> <li>Travel Agency &amp; Misc. Services</li> </ul>	<ul style="list-style-type: none"> <li>Ammunition</li> <li>Protective Apparel &amp; Equipment</li> <li>Security Animals &amp; Related Services</li> <li>Security Services</li> <li>Security Systems</li> <li>Weapons</li> </ul>	<ul style="list-style-type: none"> <li>Compensation &amp; Benefits</li> <li>Employee Relations</li> <li>Human Capital Evaluation</li> <li>Strategy, Policies, &amp; Ops Planning</li> <li>Talent Acquisition</li> <li>Talent Development</li> </ul>	<ul style="list-style-type: none"> <li>Furniture</li> <li>Office Management Products</li> <li>Office Management Services</li> </ul>

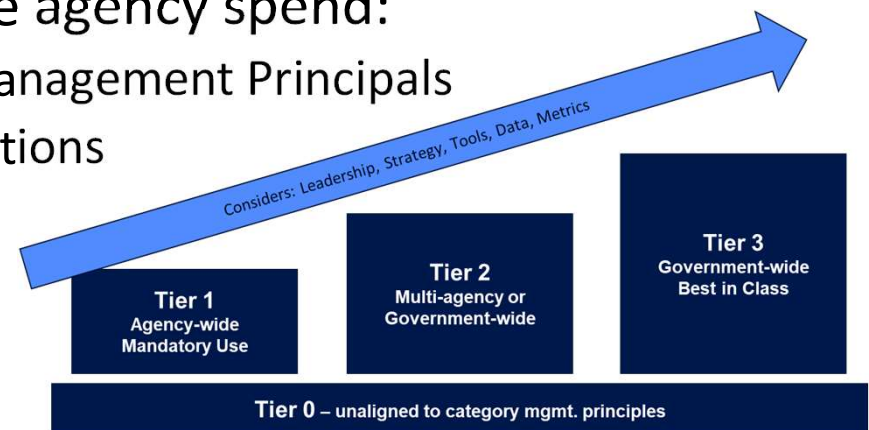
3/7/2019

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## Spend Under Management (SUM)

- SUM) is the percentage of an organization's spend that is actively managed according to category management principles
- Within the context of the government-wide category management initiative, OMB defines SUM as spend on contracts that meet defined criteria for management and data-sharing maturity. OMB uses the following tiered rating scale to evaluate agency spend:
  - Tier 0, Spend NOT Aligned to Category Management Principals
  - Tier 1, Mandatory-Use Agency-Wide Solutions
  - Tier 2, Multi-Agency Solutions.
  - Tier 3, Best-in-Class (BIC) Solutions





## Best-in-Class (BIC) Acquisition Solutions

- The Best-in-Class acquisition designation identifies government-wide contracts that satisfy key criteria defined by the Office of Management and Budget (OMB). Best-in-Class solutions are vetted, well-managed, and recommended—and in some cases required<sup>1</sup>—for use. Interagency government-wide category teams have worked to designate over 30 Best-in-Class contracts to reduce the amount of effort individual buyers spend finding and researching acquisition solutions. Widespread adoption of Best-in-Class solutions will—
  - Maximize the government's shared purchasing power, allowing agencies to leverage volume discounts;
  - Help agencies operate more efficiently by reducing administrative costs and contract duplication; and
  - Expand collection and sharing of government-wide buying data, leading to better-informed business decisions.



# GSA's Data To Decisions



The screenshot shows the GSA Data to Decisions website. The browser address bar displays the URL <https://d2d.gsa.gov/report/public-category-management-dashboards-analytics>. The page header includes the GSA logo, the "DATA to DECISIONS" branding, a search bar with the placeholder text "Search for Report (Dashboard)", a "Login" button, and a help icon. Below the header, there are links for "About" and "Customers". The main section is titled "Public Category Management Dashboards & Analytics" and features a horizontal carousel of six dashboard options, each with an icon and a label: "Executive Summary Dashboard" (bar chart icon), "Awards Exploration Tool" (magnifying glass icon), "Contract Inventory Exploration Tool" (compass icon), "Small Business Dashboard" (circular arrows icon), "Common and Defense-Centric Spend Tables" (calendar icon), and "Vendor Managed Spend Report" (laptop with user icon). A "Give Feedback" button is located on the right side of the page.



# Executive Summary Dashboard





# Summary SUM by Agency

Spend Under Management (SUM)				Best In Class (BIC)			
Obligation (in millions) on contracts that meet defined criteria for management maturity and data sharing. SUM is defined by a tiered maturity model, which includes three tiers that address five attributes: leadership, strategy, data, tools, and metrics.				Best in Class is a designation by the Office of Management and Budget (OMB) for a preferred government-wide solution that: Allows acquisition experts to take advantage of pre-vetted, government-wide contract solutions; Supports a government-wide migration to solutions that are mature and market-proven; Assists in the optimization of spend, with government-wide category management framework; and increases the transactional data available for agency level government-wide analysis of buying behavior.			
Green Bar = Department Target Met or Exceeded							
Department	% of SUM Target	SUM-Target Delta		Department	% of BIC Target	BIC-Target Delta	
DOD	34%	(\$21,218M)	\$32,174.9M	DOD	19%	(\$5,328M)	\$6,540.5M
VA	48%	(\$11,940M)	\$22,753.6M	ARMY	31%	(\$4,102M)	\$5,945.1M
DOE	105%	\$1,093M	\$21,624.3M	USAF	27%	(\$4,163M)	\$5,693.6M
ARMY	24%	(\$15,288M)	\$20,000.0M	HHS	32%	(\$3,166M)	\$4,661.1M
DLA	31%	(\$13,631M)	\$19,667.3M	VA	48%	(\$1,993M)	\$3,816.6M
NAVY	23%	(\$14,764M)	\$19,172.3M	DHS	43%	(\$1,561M)	\$2,750.0M
USAF	35%	(\$9,048M)	\$13,819.9M	DLA	69%	(\$843M)	\$2,700.0M
DHS	50%	(\$4,583M)	\$9,130.0M	NAVY	26%	(\$1,685M)	\$2,264.8M
HHS	40%	(\$5,213M)	\$8,662.3M	GSA	53%	(\$1,051M)	\$2,221.2M
NASA	61%	(\$1,874M)	\$4,814.8M	STATE	33%	(\$954M)	\$1,414.9M
GSA	53%	(\$2,083M)	\$4,474.9M	TREASURY	59%	(\$569M)	\$1,373.7M
DOJ	33%	(\$2,651M)	\$3,980.1M	DOJ	38%	(\$731M)	\$1,179.7M
USAID	48%	(\$2,017M)	\$3,855.1M	USDA	37%	(\$607M)	\$965.6M
TREASURY	91%	(\$292M)	\$3,306.5M	DOC	47%	(\$319M)	\$598.5M
STATE	37%	(\$1,839M)	\$2,900.0M	SSA	50%	(\$248M)	\$496.2M
DOT	29%	(\$1,706M)	\$2,398.5M	DOI	30%	(\$268M)	\$381.0M



# Awards Exploration Tool

ExplorationResult Set

GWCM Awards Exploration Tool

CUI designation of data: *Unclassified* | Visibility of dashboard: External (Available to all CAC or PIV card holders)  
Dataset last updated 5/12/2021 4:31:34 AM; Data thru 'Date Signed' of 4/30/2021

Filter Set: Selections will update the Result Set page of this Dashboard; Filters are additive - each row will meet \*all\* criteria.

Dept./Agency/Office

Funding Civil/DOD

☒ (All)  
☐ Civilian  
☐ DOD

Funding CFO/Non

☒ CFO  
☐ NON CFO

Funding Department

(All)

Funding Agency

(All)

Funding Office

(All)

Contracting Department

(All)

Contracting Agency

(All)

Contracting Office

(All)

Solution Managing Agency/Dept.

(All)

Award and Obligation Details

FY of Obligation

☐ 2017  
☐ 2018  
☐ 2019  
☐ 2020  
☒ 2021

Ability One Contract

☒ (All)  
☐ Yes  
☐ No

Sm Biz Goaling-Eligible

☒ (All)  
☐ Yes  
☐ No

FFRDC

☒ (All)  
☐ Yes  
☐ No  
☐ Not Indicated

Obligation Level

☒ Above SAT (\$250K)  
☐ Below MPT (\$3500)  
☒ Negative/Deobligation  
☒ Positive  
☒ Zero Obligation

Award Type

☒ (All)  
☒ BPA CALL  
☒ COOPERATIVE AGREEMENT  
☒ DEFINITIVE CONTRACT  
☒ DELIVERY ORDER  
☒ GRANT FOR RESEARCH  
☒ IDC  
☒ OTHER TRANSACTION AGREEMENT  
☒ OTHER TRANSACTION ORDER  
☒ PURCHASE ORDER  
☒ TRAINING GRANT  

National Interest Action (NIA) Code  
(All)

PSC Type

(All)

Level 1 Category

(All)

Level 2 Subcategory

(All)

IDV Number

Award/IDV Expiration Range\*

(All)

\*Searches Ultimate Compl. Date, Final IDV Last Date, and Final Ultimate Compl. Date

Contract Utilized for Award

(All)

Addressable BIC Contract\*\*

No filter

Addressable Tier 2 Contract\*\*

No filter

\*\*Higher-Tier contracts, where applicable, that a transaction could have utilized. Independent of Contract actually utilized for the obligation. Records may be addressable to multiple contracts. If both a BIC and a T2 are selected, only records addressable to both will be returned.

Vendor

Business Size

☒ (All)  
☐ Small Business  
☐ Non-Small Business  
☐ Not Indicated

Set-Aside Used

(All)

Vendor Name

(All)

Summary of Data matching selected criteria

Total Obligation

\$159,648,150,170

Total Records

590,763

Unique PIIDs

479,692

Unique Vendors

59,875

Click to go to Downloadable Details

Due to the large volume of data, rendering of detailed results may take some time. Please filter for your specific use case before pulling up the result set.

Awards Breakout per

Category

by

Dollars Obligated

TLS

11,001,909,893

6.89%

F&C

42,923,341,037

26.89%

IPS

6,852,334,947

4.29%

IT

23,379,454,047

14.64%

Medical

35,025,500,746

21.94%

OM

569,171,440

0.37%

P3

34,927,804,926

21.50%





# Contract Inventory Exploration Tool

GWCM Contract Inventory Exploration Tool

This tool is intended to serve as a reference. Tier 0 contracts are not included in this tool. Results are meant to be exported for further analysis.

Click here for Contracts Export 1-sheet

Dataset Updated 5/12/2021 4:14:02 AM  
Data thru 'Date Signed' of 4/30/2021

Contract Filters

Solution Managing Agency  
(All)

Tier  
TIER 1

FY of Tier Designation  
2020

Reference PIID  
(All)

Contract Name  
(All)

Contracts with selected criteria: 41 Total Obligated \$15,579.2M FY2016-present  
Click on a Contract Name to populate the other tables. Fields shown are attributes of Contract Name as listed in Awards.

Contract Name	Tier	FY of Designation	Managing Agency	# Awd PIIDs	Total Obligated
Logistics Civil Augmentation Program (Inc. IV)	TIER 1	2020	ARMY	24	\$6,513.0M
Enhanced Army Global Logistics Enterprise (EAGLE) (Basic Ordering Agrmnt)	TIER 1	2020	ARMY	8	\$2,804.7M
JSS COMMERCIAL RESUPPLY SERVICES 2	TIER 1	2020	NASA	3	\$1,911.7M
The Aerospace Corporation	TIER 1	2020	USAF	1	\$1,828.9M
Technical, Engineering, Advisory and Management Support (TEAMS)	TIER 1	2020	DOD	32	\$797.5M
MITRE Corporation	TIER 1	2020	USAF	1	\$383.2M
Johns Hopkins University Applied Physics Lab UARC	TIER 1	2020	DOD	80	\$300.2M
Space Exploration Networks Services and Evolution (SENSE)	TIER 1	2020	NASA	1	\$243.1M
Institute for Defense Analyses	TIER 1	2020	DOD	7	\$220.3M
Army HR Solutions Personnel Life Cycle Support Services	TIER 1	2020	ARMY	45	\$136.1M
Program Analysis & Control (PAACV)	TIER 1	2020	NASA	2	\$121.2M
Mainframe Software, Services, and Maintenance	TIER 1	2020	SSA	1	\$98.4M
KSC Protective Services Contract (KPSK)	TIER 1	2020	NASA	2	\$94.1M
VA CENTER FOR ENTERPRISE MODERNIZATION FRDC SERVICES	TIER 1	2020	VA	62	\$78.9M
Safety and Mission Assurance Engineering Contract II (SMAEC II)	TIER 1	2020	NASA	1	\$72.5M
The RAND Corporation	TIER 1	2020	DOD	4	\$71.4M
EITSS	TIER 1	2020	DOT	10	\$51.0M
Multiple Award Construction Contract (MACC-II)	TIER 1	2020	NASA	33	\$43.3M
NASA Wide Acquisition of Helium	TIER 1	2020	NASA	6	\$43.2M
Agency-wide Architect-Engineering Services	TIER 1	2020	NASA	39	\$35.6M
HSSEDI FRDC II	TIER 1	2020	DHS	9	\$35.2M
NIST National Cybersecurity Center of Excellence FRDC	TIER 1	2020	DOC	18	\$34.6M
TASS - DARPA TECHNICAL AND ANALYTICAL SUPPORT SERVICES	TIER 1	2020	DOD	13	\$31.2M
Army HR Solutions Recruiting, Management, and Administrative Support Services	TIER 1	2020	ARMY	21	\$30.8M
Case Processing Operations Center (CPOC)	TIER 1	2020	DOD	1	\$27.0M
Logistics Civil Augmentation Program (Inc. V)	TIER 1	2020	ARMY	19	\$21.0M
Massachusetts Institute of Technology	TIER 1	2020	USAF	1	\$19.5M
Center for Advanced Study of Language (CASL) UARC	TIER 1	2020	DOD	30	\$19.3M
TRANServe WMATA	TIER 1	2020	DOT	2	\$14.5M
NASA Agency-Wide Supply of Gaseous and Liquid Hydrogen	TIER 1	2020	NASA	7	\$13.4M
NASA Wide Acquisition of Mitrogon	TIER 1	2020	NASA	28	\$13.2M

Master Contracts associated with the selected Contract: 4  
Selected: Logistics Civil Augmentation Program (Inc. IV)

Master PIID	Master Contract Name	Master Type	Master Tier	# Awd PIIDs	Total Obligated
W52P1J07D0008	Logistics Civil Augmentation Program (Inc. IV)	IDC	TIER 2	9	\$3,392.2M
W52P1J07D0009	Logistics Civil Augmentation Program (Inc. IV)	IDC	TIER 2	10	\$3,165.2M
W52P1J07D0007	Logistics Civil Augmentation Program (Inc. IV)	IDC	TIER 2	7	\$1,936.0M
W52P1J07D0010	Logistics Civil Augmentation Program (Inc. IV)	IDC	TIER 2	12	(\$5.4M)

Derivative Contracts under the selected Contract: 0  
Selected: Logistics Civil Augmentation Program (Inc. IV)

Derivative PIID	Derivative Contract Name	Deriv Type	Deriv Tier	Deriv Mng Agcy	# Awd PIIDs	Total Obligated
Null	Null	Null	Null	Null	26	\$8,488.0M

Award Filters

FY of Obligation  
(All)

Funding Dept  
(All)

Funding Agency  
(All)

Funding Office  
(All)

PSC  
(All)

Category  
(All)

Contracting Dept  
(All)

Contracting Agency  
(All)

Contracting Office  
(All)

NAICS  
(All)

908 Awards with selected Contract Logistics Civil Augmentation Program (Inc. IV) indicated

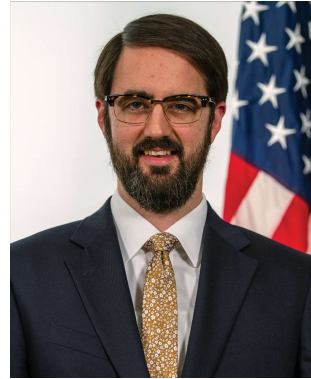
Award PIID	Funding Dept	Contractg Dept	Deriv Mng Agcy	PSC	NAICS	Category	Day of Date Signed	Total Obligated
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	06/30/2016	\$507.1M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	11/01/2018	\$266.0M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	06/29/2017	\$257.5M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	06/28/2019	\$232.5M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	06/29/2018	\$228.6M
0007	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	02/20/2019	\$228.0M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	06/25/2020	\$184.4M
0007	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	02/17/2017	\$170.0M
0005	ARMY	ARMY	Null	R706	561210	Transportation and Logistics Servi...	03/31/2020	\$154.4M





## Panelist: Adam Soderholm

Director, Gov-wide Strategic Initiatives & Business Intelligence



- Activity Background
  - GSA, Professional Services & Human Capital Portfolio – we facilitate knowledge based services exchange between government and industry
- Personal Background
  - Spent a decade on industry side w/ WOSB and 8(a) firms before joining gov.
- Your Key Points
  - CM is a management structure focused on balancing efficiency with value
  - Data driven decisions are the key to successful implementation of CM strategies
  - Educate yourself and agency partners on Tier 1 Small Business localized strategies
  - Best in Class OASIS executed a large scale on-ramp and added an 8(a) contract
  - In market research stage for OASIS follow-on, an innovative expanded scope Services MAC



## Panelist: Sam Q. Le

SBA Deputy Associate General Counsel for Procurement Law

- **Activity Background**

- SBA advocates for “maximum practicable opportunity” for small businesses in procurement
- Agencies are required by the Small Business Act to use small business set-asides to “mobilize the full productive capacity of the United States”

- **Personal Background**

- Represents SBA in GAO protests on the set-asides, bundling, and consolidation
- Assists SBA in drafting policies and regulations on multiple-award contracting

- **Your Key Points**

- If not implemented in accordance with mandatory small business preferences, Category Management can run afoul of the Rule of Two in the Small Business Act and the FAR.
- Agencies must abide by rules that limit consolidation and bundling.



## Panelist: Jeremy D. Morrill

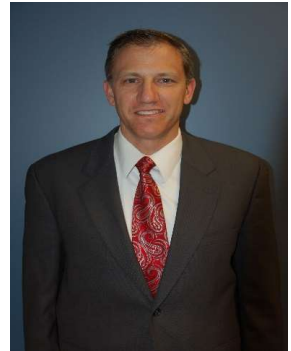
Division Chief, ACC AMIC PKD

- Activity Background
  - Execute and Administer \$1B+ Contract Portfolio in support of Deputy Undersecretary of Defense for Counter Narcotics and Global Threats (DASD) and Defense Security Cooperation Agency (DSCA)
- Personal Background
  - 20 years as a DoD Acquisition Professional. (13 Active Duty, 7 Gov Civilian)
- Your Key Points
  - Category Management is dependent on accurate and reliable data
  - Data driven acquisition strategies provide value, efficiency and savings
  - CM is not a one size fits all approach: Strategic Sourcing, Regionalization



## Panelist: Danno Svaranowic

Director of Program Business Development/OASIS SB & VETS-2 Program Manager, ITility, LLC



- Activity Background
  - ITility is a 13-year old business, headquartered in Northern VA, with program offices in Tampa, Chicago, North Carolina, and Germany. We provide mission support and IT services to the Federal Govt.
- Personal Background
  - Career Army officer and former Army civil servant
  - Former GSA Customer Service Director in Region 3
- Your Key Points
  - As a mature SB, we applaud the Govt's efforts in CM and the ongoing market research for the BIC MAC.
  - Looking back, we can attribute most of our initial SB growth to Tier 1 IDIQs (CAAS IV, SWMS-B).
  - Suggest that the Govt includes medium sized companies in the BIC MAC marketplace.
  - Also suggest an OCONUS domain be considered for inclusion.



## Patrick H. O'Donnell, Partner Kaufman & Canoles

Pat has more than 25 years of experience advising clients and litigating government contract matters, including bid protests, claims, compliance and internal investigations, rights in data and software, and cyber security.

Topic: Protesting agency decisions on whether or not to set-aside task and delivery orders under multiple award indefinite qty contracts (MA IDIQ).

Key Issue: Unsettled law on Set Asides and the Rule of Two

1. Court of Federal Claims ruled that agency must apply “Rule of Two” to a discrete scope of work BEFORE deciding to use an existing MA IDIQ. See Tolliver, Inc. v. U.S. (2020) CFC (this decision is on appeal).
2. However, one month later GAO reached different conclusion in ITility LLC, B-419167, in which it upheld DHS decision to use GSA GWAC contract to continue the scope of work instead of issuing a new set-aside contract. ITility, which was not a party to GWAC, joined by SBA, protested that DHS was required to comply with Rule of Two. GAO held the Rule of Two requirement inapplicable to DHS decision to set aside a Multiple Award Task Order Contract.
3. Who is right?





## Panelist: Paul Hawkins

Government Contracts Attorney – ReavesColey PLLC



- Personal Background
  - Attorney with working primarily with small business government contractors across a wide range of issues including small business regulatory compliance, size protests and appeals, FAR compliance and contract performance, and corporate and M&A questions unique to government contractors
- Your Key Points
  - New SBA Rules effective November 2020 devoted significant attention to MACs
  - New SBA Rules addressed assignment of NAICS codes and pertinent time for size determination under MACs and individual Task Orders
  - Also addressed size protests under MACs and Task Orders



## Panelist: Brad Reaves

Government Contracts Attorney – ReavesColey PLLC



- **Personal Background**

- Over 15 years of FAR/Small Business Regulatory Compliance and M&A
- Extensive Experience with Contract Compliance, Administration, Disputes, Protests, Strategic Alliances and Government Contracts M&A (all in connection with Multiple Award Contracts)

- **Your Key Points**

- Most Frequent Question: Compliance with the Limitations on Subcontracting/Self Performance Requirements (for Set-Asides)
- Specific Multiple Award Contract Rules vs. Updated SBA Regulations
- Organic Growth vs. Growth through M&A Activity (Equity and Asset (Novation) Deals)
- Recertification and Notification of Small Business/Set-Aside status after M&A



## Audience Questions and Wrap Up

- Audience engagement is appreciated to improve engagement on questions.
- Surveys will be sent to registrants.
- Closing Comments from NCMA, TASC, TGIC
  - Respond with your email in Chat if you desire a certificate





## Audience Questions and Wrap Up

- Next TGIC Event
  - Monthly Meetings (virtual) : 2<sup>nd</sup> Thursday of every month 0800-0900; Recurring discussions identify topics for Exchange Briefings
  - Training Sessions (virtual), Free Local and Good; Please suggest topics
  - Training Sessions sometimes lead to Reverse Industry Days
- Next TASC Event
  - NIWC Atlantic Industry Day, (virtual) 16 June
  - Later this summer, USAF Acquisition Management Integration Center and Naval Surface Warfare Center Dahlgren, Dam Neck Activity
- NCMA Norfolk Chapter, Kathryn Ravelo, Pres; Christa Halda, VP