



1. PURPOSE

The purpose of this document is to provide the SPAWAR claimancy policy and procedures for processing/competing task or delivery orders issued under multiple award contracts (MAC). This document **does not** apply to Task Orders (TO) issued under GSA Federal Supply Schedule contracts under [FAR Part 8](#) or [DFARS 208.404](#) (see Limited Source Justification of FSS Orders and SeaPort-e Task Orders SCPPMs).

Related guidance is available under CMPG [5.2.2.1 Orders Under Multiple Award Contracts \(MACs\)](#).

2. POLICY

The policy requirements and procedures for processing orders under a MAC are set forth in [FAR 16.505 \(b\)](#) and [DFARS 216.505-70](#). It is SPAWAR policy that orders under MACs be competed to the maximum extent possible and that orders for services be expressed in terms of performance-based Performance Work Statements or Statement of Objectives to the maximum extent possible.



In support of the requirement at [FAR 16.505\(b\)\(1\)\(ii\)\(A\)](#) for order placement procedures, an ordering guide must be developed for any new MAC at the time the basic contract is awarded to aid the team, customers, and ordering officers in the subsequent TO/Delivery Order (DO) process.

Past Performance should be considered in all procurements including basic MAC contract awards and on subsequent orders as appropriate or applicable. When determining the dollar thresholds for past performance instances (e.g. – it would be unreasonable to set a \$20M threshold for an effort likely to result in a \$1M award), do not use an arbitrary figure, consider the average size of task orders to be issued, define what dollars are to be counted, (i.e. ceilings or invoiced amounts); determine if the amount is reasonable. Include the minimum dollar thresholds established for past performance instances in the Advance Notification of the TO as applicable.

[FAR 16.505\(a\)\(10\)\(i\)](#) states no protest under [FAR Subpart 33.1](#) is authorized in connection with the issuance or proposed issuance of an order under a task-order contract or delivery-order contract, except for:

1. A protest on the grounds that the order increases the scope, period, or maximum value of the contract
2. A protest of an order valued in excess of \$10 million. Protests of orders in excess of \$10 million may only be filed with the Government Accountability Office, in accordance with the procedures at [FAR 33.104](#).

3. RESPONSIBILITIES

3.1 Contract Specialist

- Ensures that proper procedures for processing orders under MACs are followed.

3.2 Contracting Officer

- Ensures the procedures of [FAR 16.505\(b\)](#) were followed prior to executing a task/delivery order award under multiple award contracts.
- Ensures that fair opportunity is provided to all contractors offering the services under the MAC for services exceeding the simplified acquisition threshold ([FAR 16.505\(b\)\(1\)\(iii\)\(B\)](#)) *or* submits exceptions to fair opportunity to appropriate approval authorities ([FAR 16.505\(b\)\(2\)\(ii\)\(C\)](#)).



- Ensures the requirement is stated in a Performance Based Statement of Objectives (SOO), Performance Work Statement (PWS), or Statement of Work (SOW) or ensure appropriate approvals are obtained in accordance with the table of PBSA waivers in [✔ 1.2.9.2.2 Performance Based Service Acquisition](#) SCPPM.
- Reviews the evaluation criteria for each order that will use “Best Value” selection criteria to ensure it is appropriate for the order being placed.
- If time permits, issues an Advanced Notice of the planned task order as soon as possible.
- If time permits, provides the number/description of any Key Personnel, and labor categories to be solicited and a draft SOO/PWS/SOW (as available). Provides the evaluation criteria and requests comment from contractors.
- If the TO is to be significant or highly complex, recommends holding an Industry Day to solicit input from the MAC contract holders.
- If the proposed TO is complex, considers adding 2-3 days to proposal preparation time to address questions and answers, and if the questions result in amendments, considers extending the proposal submission date as appropriate.
- Ensures that adequate time is made for proposal preparation. If the TO is highly complex or of high dollar value, considers a 45 day proposal preparation and submission time.
- Designates a COR in the TO.
- Ensures a Quality Assurance Surveillance Plan is included with TOs for services when PBSA techniques are used.
- Once the basic contract is awarded, recommends working with the COR/requestor to draft a TO forecast/pipeline and provides that to MAC contract holders for planning purposes and to assist MAC contract holders in determining the Government’s future requirements.

3.3 Contracting Officer’s Representative (COR) or the Technical Representative (SSC Atlantic Contract Resource Manager (CRM))

- Receives and reviews requirements packages for each task order to ensure the documents are complete, accurate, and in accordance with these guidelines.
- Reviews the SOO/PWS/SOW, evaluation criteria, the Acquisition Strategy (services over \$100K), and the PBSA waiver, as applicable, as outlined in the [✔ 1.2.9.2.2 Performance Based Service Acquisition](#) SCPPM.

3.4 Technical Requestor

- Defines requirements, recommends it as a firm fixed price or cost reimbursement order; performs market research; develops the exception to fair opportunity documentation; creates the Acquisition Strategy for services greater than SAT; drafts the PBSA waiver and obtains signatures.
- Develops evaluation criteria in concert with the Contracting Officer for selection and performing the technical evaluations of task order proposals received.

3.5 Designated Contract Ombudsman (SPAWAR 2.0)

Reviews complaints from contractors and ensure they are afforded a fair opportunity to be considered, consistent with the procedures in the contract.

4. PROCEDURE

4.1 Exception to Fair Opportunity

1. COR recommends if the requirement should be awarded using one of the exceptions to fair opportunity, in accordance with [FAR 16.505\(b\)\(2\)](#).



- a. If so, an Exemption to Fair Opportunity must be approved by the appropriate approving official in accordance with [FAR 16.505 \(b\)\(2\)\(ii\)\(C\)](#). Once the Exemption is approved, the award will be made in accordance with standard ordering procedures.
- b. If the order will be issued on a competitive basis, continue with these procedures.

For **orders in excess of \$5M**, fair opportunity requires all contractors be provided, at minimum:

- c. A notice of the task or delivery order that includes a clear statement of the agency's requirements;
- d. A reasonable response;
- e. Disclosure of the significant factors and sub factors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;
- f. Best Value Awards - a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and
- g. An opportunity for a post-award debriefing consistent with the requirements of [FAR 15.506](#).

4.2 Solicitation and Award

1. **COR** sends draft evaluation factors and scoring criteria, including the draft SOO/ [Performance Work Statement \(PWS\)](#)/SOW, the draft Contract Data Requirements List (CDRL) [DD Form 1423](#), and the Independent Government Estimate to the contract specialist for internal review.
2. Following review and comments, the **contract specialist** when appropriate, forwards/presents the draft evaluation factors along with the draft SOO/PWS/SOW and CDRL to the **multiple award contract holders** for their review and responses.
3. Within a minimum of two days, or as specified by the **contract specialist**, the **potential offeror** submits comments and questions concurrently to both the **contract specialist** and the **COR**. The **COR** consolidates all of the questions and comments from the **potential offerors** into one Questions and Answers (Q&A) document.
4. The SOO/PWS/SOW, CDRL, and Q&A document are attached to the RFQ/RFP, and sent out to each **multiple award contract holders** electronically (may be sent via email).
5. Based upon the pre-established factors and rating criteria as stated in the SSP or Task Order Evaluation Plan (TOEP)(SSC Atlantic), a technical evaluation of the proposals will be performed and subsequent award recommendation will be submitted to the **contract specialist**, for the contracts review and concurrence.
6. The [DD 1155](#) is prepared electronically and the order is awarded.
7. The **contract specialist** provides written notification of award to all **offerors**, to include the name of the awardee and price. Requests for debriefs shall be handled in accordance with [FAR 15.506](#). The MAC ceiling value needs to be tracked in order to ensure that the MAC ceiling value is not exceeded.

4.3 Small Business Review

SPAWAR OSBP must review the decision to use unrestricted competition when there are two or more small business awardees under the MAC. A review by the Small Business Administration Procurement Center Representative (SBA PCR) is also



required for task or delivery orders that are not set-aside for small businesses if there are two or more small business awardees under the MAC. This review/concurrence shall be conducted per the instructions below for each activity: In general, five working days should be allowed for the OSBP Small Business Specialist review.

4.3.1 SPAWAR HQ, SSC PACIFIC & SSC ATLANTIC

- 1. The Contract Specialist will use a DD2579 or the HQ SB review form in the Toolbox for task order reviews by HQ OSBP and the SBA PCR.
2. The SB Deputy will conduct a review of the recommendation, supporting rationale and documentation for market research provided by the Contract Specialist.
3. If the recommendation by the Contracting Officer is to compete as a set aside and the SB Deputy concurs with the recommendation the SB Deputy will complete their review and provide the Contract Specialist a signed copy of the document.
4. If the recommendation by the Contracting Officer is to compete as unrestricted and the SB Deputy concurs with the recommendation, the SB Deputy will sign the form and forward to the SBA PCR for their review and approval.
5. Any non-concurrences shall be resolved between the Contracting Officer/Contract Specialist, SB Deputy and the SBA PCR. The SBA PCR will forward the signed DD2579 or SB review form to HQ OSBP who will provide a copy to the Contract Specialist.
6. A copy of the signed form shall be filed in the applicable electronic contract storage system with a copy maintained in the HQ OSBP records.

5. APPROVALS

Exemption to Fair Opportunity. Orders placed under a MAC which will not provide for fair opportunity, must be documented in the file with the contracting officer's determination and rationale. The format of the justification is included in the Toolbox at the end of this document and is outlined in FAR 16.505(b)(2)(ii). The justification posting is outlined in FAR 16.505(b)(2)(ii)(D).

Table with 2 columns: Threshold (x) and Approval Authority. Rows include thresholds like x > \$93M, \$13.5M < x <= \$93M, \$700K < x <= \$13.5M, and \$3K < x <= \$700K with corresponding approval authorities like ASN(RDA) via DASN(AP), SPAWAR 2.0 or HCA, Competition Advocate, and SPAWAR 2.0 Branch Head.

6. TOOLBOX

- 1. Performance Work Statement (PWS)
2. DD Form 1423 (CDRL)
3. DD 1155
4. DD2579
5. Fair Opportunity Exemption Template
6. Fair Opportunity Exemption Template (SSC Atlantic)
7. 1.2.9.2.2 Performance Based Service Acquisition



- 8.  [Sample Task Order Source Selection Plan \(TO SSP\) Template](#)
- 9.  [Task Order Request for Proposal Template](#)
- 10.  [Decision Paper Task Order Award Template](#)
- 11.  [OSBP Review Forms \(HQ, Atlantic and Pacific\)](#)
- 12.  [Documents for Orders under MACs \(SSC Atlantic\)](#)
- 13.  [Sole Source Procurements \(SSC Atlantic\)](#)
- 14.  [Development and Issuance of Task Orders IPM \(SSC Pacific\)](#)
- 15.  [MAC Working Group Process Implementation Summary](#)
- 16.  [SPAWAR Task/Delivery Ordering Guide Framework](#)



7. CHANGE HISTORY

Updated material is highlighted by *purple text* and an Alert/New  icon.

Date	Description of Changes
December 2015 Rev 1	Added MAC ordering guide requirement in Policy section and two MAC documents to Toolbox section.
December 2015	Updated Thresholds in the Approvals section.
September 2015	Updated Past Performance information.
August 2015	Content formatted and reorganized; updated links; updates include updated Contracting Officer responsibilities, update of Small Business Review section with SSC Atlantic and SSC Pacific, and approval threshold update.
July 2014	Last version created in old format. Latest updates include addition of Small Business Review section.