

## Procurement Package Submissions in UFMS/iProcurement for New Awards and Modifications

### **Documentation requirements for New Awards:**

**All procurement package submissions in UFMS/iProcurement for new awards irrespective of the estimated price/cost should include the following:**

- Purchase description [Specifications, Statement of Work (SOW), Performance Work Statement (PWS) or Statement of Objective (SOO)]
  - SOW tells offerors what to do and how to do it
  - PWS and SOO focus on the “outcomes” or “results”
    - Offerors propose solutions
    - Baseline established to measure current and future performance
    - SOO is a higher-level statement of need in which the offeror proposes the PWS.
- List of deliverables
- Evaluation criteria for competitive acquisitions
- Justification and Approval (J&A) document for non-competitive (or competitive, brand-name) requirements
- Special proposal instructions, if applicable
- An Independent Government Cost Estimate (IGCE)

**A completed and approved Written Acquisition Plan (AP) is required if over Simplified Acquisition Threshold (SAT) of \$150,000 (the AP templates referenced below include the elements above as well as many others).**

- PSC Streamlined AP Template may be used may be used for all acquisitions under \$50 million (attached)
- HHS Template found at <http://intranet.hhs.gov/abouthhs/contracts-grants-support/acquisition-policies-guidance/acquisition-worktools/index.html> (template found in upper right hand corner) must be used for all acquisitions valued at \$50 million or greater
- Must include all required signatures including those of the Senior Procurement Executive (SPE) if valued at \$50 million or greater

**\* Note: If the requirement has been included in the Annual Acquisition Module (AAP), the AAP number should be included on the requisition.**

## **Documentation requirements for Modifications:**

Requests for modifications have different requirements depending on the type of modification needed. Below explains the various types of modifications and the information needed.

### **1. EXERCISE OF OPTION**

This is for modifications that exercise an option, as written, in the contract. Modifications that require re-negotiating the option or make other changes that aren't administrative in nature fall under the "Changes and Other Modifications" section.

Prior to submitting modification request:

The Contracting Officer's Representative (COR) must notify the Contracting Officer (CO) in writing of the requiring activity's (Program Office/OPDIV/STAFFDIV) intent to exercise an option at least 30 days prior to the notification date specified in the clause included in the contract for exercising the option, such as FAR 52.217-9 (Option to Extend the Term of the Contract). Please note that the notification date specified in the contract is usually 30-60 days in advance of the expiration date. That would make the COR notification to the Contracting Officer 60-90 days in advance of contract expiration, in order to give the necessary lead time to send the notification of intent to the contractor.

Modification request submitted in UFMS/iProcurement should include:

- Written statement that requiring activity still has the need (can use attached memorandum to the CO);
- Any market research the requiring activity has done that supports that the option is the most advantageous method of fulfilling the Government's need, price and other factors considered. Market research supporting price competitiveness in the marketplace should be submitted if available; and
- Requisition that includes the proper Contract/Task Order Number and Option (Line Item) being exercised. Funds on requisition should represent a bona fide need of the year the modification is to take place and that match the option amount stated in the contract

### **2. ADMINISTRATIVE**

Administrative modifications are those that can be made without concurrence by the Contractor for minor changes, such as COR changes.

Modification request submitted in UFMS should include:

- \$0 Requisition that includes the proper Contract/Task Order Number and explanation of the requested change.
- If applicable, for COR changes, the name of requested new COR should be included and a copy of COR certificate showing appropriate FAC-COR level for the contract should be attached.

### 3. FUNDING

These are modifications that are purely funding actions that make no changes to the requirements of the contract (statement of work or deliverables), such as incremental funding of already negotiated amounts or deobligations.

Modification request submitted in UFMS/iProcurement should include:

- Explanation of the requested funding change
- Requisition that includes the proper Contract/Task Order Number, reference to the contract line item and funds being committed for obligation or deobligation. Funds on the requisition should represent a bona fide need of the year the modification is to take place.

### 4. NO-COST EXTENSIONS

A no-cost extension is one that extends the contract performance period without obligating additional funds. Please note, no-cost extensions are not permissible in all situations.

Modification request submitted in UFMS/iProcurement should include:

- \$0 Requisition that includes the proper Contract/Task Order Number and explanation of the requested change;
- Detailed explanation regarding why the extension is necessary, including whether the extension is necessary because of Government delay or Contractor inability to perform on time; and
- New end date and new deliverable schedule, if applicable

The contracting official will review the modification request to make some determinations. For example, the contracting official will have to determine whether the modification is considered an in-scope modification or is for work that is outside of the scope of the contract. See explanation of scope in the Changes and Other Modifications section. If the request is for work outside of the scope of the contract, a no-cost extension cannot be used to add work.

Additionally, the contracting official will have to determine whether there are appropriations law issues regarding executing a no-cost extension. The use of a no-cost extension under a contract for severable services<sup>1</sup> should be a very rare occurrence and is usually not allowable. No-cost extensions may be used to extend the performance period of a contract for non-severable services<sup>2</sup> if the completion of the end product(s) will require more time than originally established.

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<sup>1</sup> A severable service is one that is recurring and continuing in nature and provides value to the Government as the service is performed. Most services are severable.

<sup>2</sup> A non-severable service is one that produces a single or unified outcome, product or report that cannot be subdivided for separate performance in different fiscal years. Whether the subdivision is feasible or not is a matter of judgment that includes as a minimum a determination of whether the government has received value from the service rendered.

## 5. CHANGES AND OTHER MODIFICATIONS

This includes all other modifications that are not specified above, including out-of-scope modifications for new work. There is a diversity of circumstances that impact what information is needed from the requiring activity for modifications. In the majority of cases, the below list is what is needed for the initial modification request. The contracting official will have to make certain determinations that may require other follow-up documentation to be submitted.

To initiate the modification request with PSC, the following initial information should be submitted in UFMS/iProcurement:

- Explanation of the requested change. For changes in existing statement of work or deliverables schedule, a redlined version of the contract showing the proposed changes is helpful. For new work that is outside of the scope of the contract, this would be the purchase description (specifications, statement of work, performance work statement, or statement of objectives) and list of deliverables for the new work;
- IGCE – For change in price/cost (reduction or increase). If no price/cost changes are anticipated, an explanation as to why; and
- Requisition that includes the proper Contract/Task Order Number, funds, and identifies line item to be modified (if applicable)

The Contracting Officer will review the initial modification request information to make some determinations, such as whether the modification is considered an in-scope modification or is for work that is outside of the scope of the contract and whether the funds committed for the action are appropriate for the modification. Subsequent requests from the contracting official may include follow-up information needed from the requiring activity after review of the initial modification request, such as:

- Justification and Approval (J&A) document for new work/out of scope;
- A written acquisition plan (AP), if required<sup>3</sup>
- If modification requires posting in fedbizopps, a draft synopsis; and
- Funds from a prior fiscal year when appropriate for the modification circumstance.

Scope Determinations: In determining whether a modification is within the scope of an underlying contract, the contracting officer considers whether the modification is of a nature that the original solicitation adequately advised offerors of the potential for the type of work contemplated by the modification.

An out of scope modification provides a product or service that was not originally anticipated during the original acquisition, and for which there was no reasonable basis for firms to know that the agency would use the contract to acquire the product or service to be provided via the modification. For work that is outside of the scope of the contract, the Contracting Officer may require a new contract rather than a modification, especially (for example, if the J&A does not sufficiently justify the non-competitive action).

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<sup>3</sup>A written AP is required for out of scope modifications that exceed the Simplified Acquisition Threshold of \$150,000 (inclusive of options). The streamlined AP can be utilized for all acquisitions estimated to be less than \$50 million. All actions equal to or greater than \$50 million must use the Department's AP version found at <http://intranet.hhs.gov/about/contracts-grants-support/acquisition-policies-guidance/acquisition-worktools/index.html>