JUL 18 2005

GSA Office of the Chief Acquisition Officer

GSA Acquisition Letter V-05-15

MEMORANDUM FOR ALL CONTRACTING ACTIVITIES

FROM EMILY W. MURPHY
CHIEF ACQUISITION OFFICER

SUBJECT: Fiscal Year 05 Cut-Off Dates for Assisted Acquisitions

1. **Purpose:** This Acquisition Letter is issued to achieve consistency and discipline in the GSA acquisition process. It memorializes the cut-off dates for accepting reimbursable agreements and accompanying customer funding documents for each Service for FY05. The established dates allow adequate timeframes to properly accomplish planned procurements and modifications and are based on receipt of all necessary information, such as complete description of requirements (Statements of Work or specifications), signed funding documents, required justification and approvals.

2. **Background:** It is important that GSA customer expectations are properly managed with regard to the timely execution of acquisitions that adhere to applicable laws, regulations, policy and fiscal constraints. Customers are required to obligate their funds during the period of funds availability -- usually one fiscal year. GSA, under its Property Act authority, must act reasonably and expeditiously to take contract action on customer requirements; this should normally be done prior to the time the customer funds expire.

3. **Effective Date:** Immediately.

4. **Termination Date:** September 30, 2005.

5. **Applicability:** This policy applies to all reimbursable agreements entered into between GSA and Federal agencies or non-Federal entities as authorized by law for the procurement of goods and services.

6. **Policy:** Reimbursable agreements received after the specified cutoff dates shall not be accepted. These cut-off dates provide a reasonable period for making awards by the end of the fiscal year.

a. For the Federal Supply Service, the cut-off dates are:

(i) Commercial Products under schedule: September 26, 2005
(ii) All other customer purchases: September 16, 2005

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

These dates do not apply to orders going through the automated FED/MILSTRIP process.

b. For the Federal Technology Service, the cut-off dates are:

Type of Contract Action	Date Funding, Requirements, and Signed Interagency Agreement must be Received
Incremental Funding Modification	August 26, 2005
Exercise Option (modification must be executed by 9/30/05)	August 26, 2005
New Delivery Order for Supplies, e.g., hardware, software and software licenses. (Note: The new task order must be awarded within a reasonable time in FY05 or early FY06, i.e., not later than 12/31/05.)	September 15, 2005 (unless approved by the Head of the Contracting Activity (HCA))
New Task Order for Services (Note: The new task order must be awarded within a reasonable time in FY05 or early FY06, i.e., not later than 12/31/05, unless approved by the HCA)	September 1, 2005 (unless approved by the HCA)

c. For the Public Buildings Service, the cut-off dates are:

Acquisition Description	Cut-off Date/Time	Comments and Unique Circumstances
Negotiated Acquisition (FAR Part 15) Fed Biz Ops	8/1/COB	
Combined synopsis//solicitation Fed Biz Ops	8/15/COB	
Commercial Acquisitions (FAR Part 12)	9/1/COB	
Simplified Acquisition > or = $25,000 Federal Supply Schedule – Delivery and Task Orders Exercising options	9/15/COB	
Simplified Acquisition < $25,000 Modifications to existing contracts	9/20/COB	
Others	9/30/COB	Credit Card Micro-purchases, Administrative Modifications, Task Orders against established IDIQ contracts, Multi-Agency Contracts citing Economy Act, Sole Source Open Market

d. There may be circumstances when awards cannot be made before the end of the period of availability of the appropriation. For an interagency transaction done under Property Act authority or the Clinger-Cohen Act, as implemented, GSA, as the service provider, has a reasonable time without regard to the nature of the requirement (severable or non-severable services) after the funding authority has been provided to put the funds on a contract on behalf of other agencies. For those contracts or orders that cannot be awarded by September 30, 2005 the HCA must make a case by case review to determine whether to proceed with the procurement or to close the reimbursable agreement and return funding authority to the customer agency. The HCA must consider the following factors at a minimum in determining whether a contract or order may be awarded after the date the funds were originally set to expire:

- Length of time since acceptance of the Reimbursable Agreement. The more time that has passed, the less likely it will be appropriate to continue with the procurement. It is normally reasonable for 90 days to elapse between acceptance of the reimbursable agreement and execution of the contract or order.

- Activity taken on the acquisition. If both GSA and the customer have actively been pursuing the acquisition since acceptance of the reimbursable agreement, it is more likely that the delay can be considered reasonable. Factors to be considered are:

    - Complexity of the Requirement
    - Acquisition Plan requirements
        - Market research
        - Pre-award activities
        - Request for Information (RFI)
        - Draft Request for Quotation (RFQ) or Request for Proposals (RFP)
        - Pre-Solicitation/Pre-Proposal Conferences
        - Market conditions
    - Number of Quotes or Proposals
    - Technical and Price Evaluation issues
    - Protests

If the authority for the reimbursable agreement is the Economy Act, the contract or order MUST be awarded within the period of availability of the funds (usually one fiscal year).

Notwithstanding the prohibition in paragraph 6, requirements received after the cut-off dates may be accepted under compelling circumstances. The decision to accept a requirement after the cut-off date must be approved in writing by the HCA. A copy of the approval must be submitted to the Senior Procurement Executive (V), with a copy of an approved acquisition plan that demonstrates how the region will accomplish the acquisition in a reasonable time.