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U.S. Army Sustainment Command (ASC) & Army Contracting Command – Rock Island (ACC-RI)

Basic Ordering Agreement (BOA)

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Outline

- What is a Basic Ordering Agreement (BOA)?
- Why use a BOA?
- BOA Terms
- Orders issued under BOAs
- BOA vs. Multiple Award Indefinite Delivery, Indefinite Quantity Contract
- Federal Acquisition Regulation (FAR) 15.202 Multi-Step Process
- Points of Contact

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What is a Basic Ordering Agreement?

IAW **FAR 16.703** - Written Instrument of understanding, negotiated between the Government and a contractor

- Includes terms and clauses applicable to future task order awards
- Description, as specific as practicable, of supplies or services to be provided
- Methods for pricing, issuing, and delivering future task orders
- **BOA is NOT a contract**

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Why use a BOA?

- BOA used to expedite contracting for uncertain requirements when specific quantities and prices are not known at time of execution of agreement
- But substantial number of requirements for the type of supplies or services covered by the agreement are anticipated to be purchased
- BOA procedures can result in economies and reduce administrative lead-time

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BOA Mechanics – BOA Terms will:

- Describe the method for determining prices to be paid to the contractor for supplies or services
- Include delivery terms and conditions or specify how they will be determined
- List one or more Government activities authorized to issue orders
- Specify the point at which each order becomes a binding contract
- Be reviewed annually before the anniversary of the BOA effective date and revised as necessary
- BOAs can only be changed by modification to the basic agreement, not individual orders
- Modifying a BOA shall not retroactively affect previous orders issued

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When Placing Orders issued under BOAs

The Contracting Officer –

- May issue orders for required supplies or services covered by the BOA after competition
- Ensure the use of the BOA is not prejudicial to other offers if the order is placed after competition
- Signs or obtains any applicable justifications and approvals, and any determination and findings, and complies with other requirements as if the order were a contract awarded independently of the BOA

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Orders issued under BOAs continued

The Contracting Officer shall –

- Issue orders on appropriate contractual instruments
- Incorporate by reference the provisions of the BOA
- Cite the applicable FAR authority for requirements not competed
- Comply with FAR synopsis requirements
- Neither make any final commitment nor authorize the contractor to begin work on an order until prices have been established

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- **Basic Ordering Agreement (BOA) - FAR 16.703**
 - Written Instrument of understanding between the Government and contractor - BOA is NOT a contract
 - Includes terms and clauses applicable to future awards
 - Description of services to be provided
 - Methods for pricing, issuing, and delivering future orders
 - No minimum guaranteed quantity
 - More expansive competition

vs

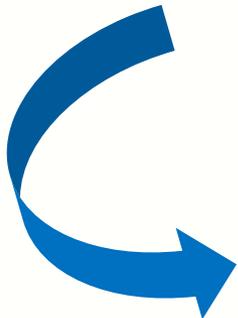
- **Multiple Award Indefinite Delivery, Indefinite Quantity Contract (MAIDIQ) - FAR 16.504**
 - Contract that provides for an indefinite quantity, with stated limits for services within a fixed period of time
 - To ensure the contract is binding, Government must order a minimum quantity that is more than nominal
 - Must state a not-to-exceed maximum quantity
 - Competition restricted to contractors in pools established by best value competition

BOA Advantages:
 (1) BOAs reviewed and requirements advertised annually & as they occur (on-ramp)
 (2) No minimum quantity
 (3) No contract ceiling

BOA Execution / FAR 15.202 Multi-step Process

Step 1

- Advertise for capabilities & experience
- Analyze for minimum qualifications
- Provide feedback to contractors



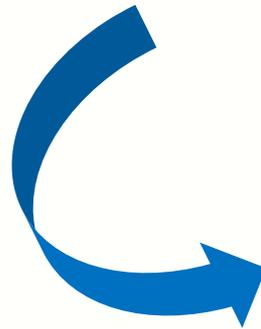
Step 2

- Request for Proposal (RFP) - annual requirement
- Evaluate for qualified contractors
- Execute basic ordering agreements (BOA)

Establishes
BOAs



Task Order
Competition



Step 3

- RFP – installation logistics requirement
- Compete among BOA holders
- Award requirements task order



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FAR 15.202 Pre-solicitation Notice

- Prior to release of formal solicitation a pre-solicitation is published –
- Providing a general description of the scope or purpose of acquisition and inviting potential offerors to submit information that will allow the Government to advise the offeror of its potential to be viable competitor.
 - Identifies the information that must be submitted and the criteria that will be used by the Government in the viability evaluation.
 - At a minimum, contains sufficient information to permit a potential offeror to make an informed decision about whether to participate in the acquisition.

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FAR 15.202 - Advisory Multi-Step Process

The Government –

- Evaluates all responses in accordance with the criteria stated in the pre-solicitation notice.
- Advises each respondent offeror in writing either that it will be invited to participate in the resultant acquisition, or that it is unlikely to be a viable competitor.
- Advises respondent offerors not considered to be viable competitors of the general basis for the Government's opinion.
- Notwithstanding the advice provided by the Government, offerors advised they are not considered to be viable competitors may still participate in the resultant acquisition.

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