

# Resource Guide from A – Z: Federal Government Contracting Dictionary

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# I. Introduction

## *Foreword*

This document, collaboratively produced by The Pulse and ZYGOS Consulting, provides frequently used Government Contracting (GovCon) terms and definitions. It is a living document that will be updated periodically and is a good supplement to [FAR Part 2: Definitions of Words and Terms](#), which has a somewhat limited list of terms. Some definitions are verbatim from their authoritative source, while others are more informal and intended to convey the “real world” interpretation and use of the term.

Terms are organized logically, not alphabetically, and there is an alphabetical index at the end of the document.

# II. Dictionary

## *Laws & Regulations*

**National Defense Authorization Act (NDAA)**: The name for each of a series of U.S. federal laws authorizing the annual budget and expenditures of the Department of Defense. Congress also passes an appropriation bill, which provides funding corresponding to the authorization in the NDAA.

**Federal Acquisition Regulation (FAR)**: The primary regulation for use by all U.S. federal executive agencies in their acquisition of supplies and services with appropriated funds. Contains standard solicitation provisions and contract clauses. The Department of Defense, General Services Administration, and National Aeronautics and Space Administration jointly issue the FAR and various agencies maintain their own FAR supplements (see [acquisition.gov](http://acquisition.gov) for a full list). The regulations outlined within are viewed as the primary reference governing the federal procurement process. The “FAR Genealogy” – available [here](#) – provides the source of regulations.

**Defense Federal Acquisition Regulation Supplement (DFARS)**: A supplemental source of regulations for contracts under the Department of Defense.

**Government Contracting in the U.S. Code**: A consolidation and codification by subject matter of the general and permanent laws of the U.S. Acquisition and Contracting laws are codified in 41 U.S.C. (Title 41 - Public Contracts) for civilian agencies and in 10 U.S.C. (Title 10, Subtitle A, PART V: ACQUISITION) for Defense agencies.

## Classifications

**Special Item Numbers (SINs):** Refers to certain products or services a General Services Administration Multiple Award Schedule contractor offers to government buyers - essentially a scope or task area. MAS contractors may be awarded one or more SINs and can only bid on work solicited under the SINs they have been awarded. *Note: GSA also uses the term Category for the same purpose and has recently started using NAICS as the identifiers for some SINs/Categories.*

**North American Industry Classification System (NAICS):** The standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget and adopted in 1997 to replace the [Standard Industrial Classification \(SIC\) system](#). *Note: The federal government uses NAICs to classify contracts by product and service areas. Government contractors should have a list of applicable NAICs on their SAM.gov profile. If you do not have specific NAICs listed in your SAM.gov profile, you may be precluded from bidding on a contract.*

**Size Standard:** The annual revenue amount (averaged over five years) used to determine whether a particular company is a Small Business based on the NAICS associated with a solicitation. NAICS each have a corresponding size standard; some NAICS use annual revenue and others use a number of employees.

**Product Service Code (PSC):** Used to describe the products, services, and research and development purchased by the U.S. federal government. Government procurement specialists and government contractors alike require a solid understanding of these codes to produce quality partnerships between buyers and suppliers. Also referred to as Federal Supply Codes (FSCs).

## Stakeholders

**Procuring Contracting Officer (PCO):** Serves as the primary business advisor and principal guidance source for the entire source selection. Agencies have discretion in the selection of the individual to serve as the PCO. However, the PCO, as the principal guidance source, should have prior experience in the source selection process.

**Contracting Officers (CO/KO):** Individual who can bind the federal government to a contract, acting as the government's agent. They are responsible for ensuring that the government is obtaining value from contracts, all relevant laws and regulations are upheld, there is sufficient funding, contractors receive proper treatment, the contract is

executed properly, and U.S. and taxpayer interests are protected. Classified into an occupational series, COs/KOs are sometimes referred to as 1102s.

**Contracting Officer's Representative and/or Contracting Officer's Technical Representative (COR/COTR):** Individual designated and authorized in writing by the Contracting Officer to perform specific technical or administrative functions.

**Contract Specialist (CS):** Individual responsible for originating and developing acquisition strategies, selecting appropriate contracting approaches, pre-award function, award of contracts, and contract administration functions. In some agencies serves as a primary contact point to Directors of supported national programs on contracting matters.

**Procurement Analyst:** Individual responsible for addressing complex acquisition and staffing assignments, and with procurement activities to meet acquisition needs in the most efficient, economic, and streamlined fashion. Collaborates and guides stakeholders through the process and execution of Assignment of Claims, Novation Agreements, Protests, and Terminations to determine and ensure compliance with regulations.

**Contract Price/Cost Analyst:** Individual responsible for performing price and cost analyses on the various elements of major contractor proposals, reviewing in detail the significant direct and indirect cost elements. Develops and recommends price/cost objectives for negotiations. Forecasts price trends, economic factors and efficiencies in production for future accounting periods using analytical techniques such as random sampling, cost models, learning curves, and parametric cost models. Reviews the contractor forward pricing rate, final overhead rate, and cost impact proposals, conducting an in-depth analytical and judgmental evaluation of the proposal to determine reasonableness, accuracy, timeliness, and completeness.

**Chief Information Officer (CIO):** Individual that enables the agency's mission through the use of information resources and information technology (IT). A key strategic partner to the agency head and enabler of agency modernization goals that provides advice to senior management. Responsible for IT leadership and accountability, strategic planning, workforce, budgeting, investment and management, and information security and privacy.

**Program Executive Officer and/or Program/Project Manager (PEO/PM):** The individual whose requirement is solicited and awarded by the CO/KO. Responsible for acquisition planning, including market research, and should collaborate with the contracting office early and often to increase the chances of a timely and successful solicitation and award.

**Requirements Owner (RO):** Generator of the acquisition requirement based on the need to satisfy a capability or performance gap.

**Source Selection Authority (SSA):** Individual designated to make the best value decision. The appointment of the individual to serve as the SSA shall be commensurate with the complexity and dollar value of the acquisition. For acquisitions with a total estimated value of \$100 million or more, the agency head shall appoint, in writing, an individual other than the Procuring Contracting Officer as the SSA. For all other acquisitions, the Procuring Contracting Officer may serve as the SSA in accordance with FAR 15.303(a) unless the agency head or designee appoints another individual.

**Source Selection Advisory Council (SSAC):** Provides the SSA with functional area expertise throughout the source selection process. An SSAC is optional but strongly encouraged, for special interest acquisitions with a total estimated value of less than \$100 million. The primary role of the SSAC is to provide a written comparative analysis of offers and recommendations to the SSA. When an SSAC is established, it will provide oversight to the SSEB.

**Source Selection Evaluation Board (SSEB):** Comprised of a Chairperson and Evaluators (also known as SSEB members). SSEB members are frequently organized into functional teams corresponding to specific evaluation criteria (e.g., Technical Team, Cost/Price Team, Past Performance Team, Small Business Team). In those instances, a Functional Team Lead may be utilized to consolidate the evaluation findings of the team and serve as the primary team representative to the SSEB Chair.

## ***Proposal Terms***

**Procurement Administrative Lead Time (PALT):** [Section 878 of the FY 2019 NDAA](#) required the Administrator of the Office of Federal Procurement Policy to develop and establish a standard definition of this term and develop a plan for measuring and publicly reporting data on PALT for federal government contracts. As a result of Section 878 and associated regulations, PALT has been defined as “the time between the date on which an initial solicitation...is issued...and the date of the award of the contract.” PALT is sometimes incorrectly written as Procurement Acquisition Lead Time or Procurement Action Lead Time.

**Solicitation:** Contains “requirements” or “shall statements” stating what the contractor MUST agree to/respond to in order to acquire the contract. Also includes proposal instructions. See the Solicitation Types section for specific examples.

**Uniform Contract Format (UCF):** The standard format for solicitations and contracts prescribed by [FAR 14.201-1](#) that includes letters corresponding to specific sections (e.g.,

Sections L, M, C below). The UCF is only required for “new” contracts, not for task or delivery orders solicited under existing ordering vehicles like IDIQs and BPAs.

**Section L:** Provides instructions for preparing and submitting your proposal. Typically includes:

- How your response should be organized
- How to format the documents
- Deadline for questions and proposal submission
- Instructions on how to deliver the proposal
- Notices, conditions, or other instructions

**Section M:** Outlines how the government will assess and evaluate the proposals it receives (i.e., the evaluation criteria or evaluation factors for award). Although it doesn’t provide instructions, it does give the yardsticks by which your proposal will be measured and states the basis for award (see Source Selection Methods).

**Section C:** Describes what the government wants you to do or supply. Typically, one of three document types on a continuum of least to most specificity.

- Statement of Objectives has the least specificity
- Performance Work Statement has a moderate level of specificity
- Statement of Work has the most specificity.

**Statement of Objectives (SOO):** Used when the government has only a high-level idea or objective of what it needs and does not want to constrain industry solutions by using a Performance Work Statement or Statement of Work. When the government solicits using a SOO, the contractor’s proposal should a customized Performance Work Statement (based on the contractor’s proposed solution/approach) which then becomes the standard against which contract performance is measured.

**Performance Work Statement (PWS):** Incorporates measurable standards that inform the contractor of the government’s desired outcomes. How the contractor achieves those outcomes is up to them. The contractor is thus empowered to use the best commercial practices and its own innovative ideas to achieve the desired results.

**Statement of Work (SOW):** Written to specify the tasks in significant detail and direct the contractor specifically how to perform those tasks.

**Quality Assurance Surveillance Plan (QASP):** A government authored document that defines how it will monitor contractor performance, including corrective actions that must be taken if performance standards are not met. The government may ask for contractor input or recommendations on the QASP during the pre-solicitation or solicitation phase of

an acquisition, but ultimately the content and execution of the QASP are the government's responsibility.

**Corporate Experience:** Example of a proposal response criterion. Typically, more anecdotal than past performance (which are contract references) this narrative showcases the capabilities of a company, usually, as they relate to the specific requirement being solicited but sometimes more generally in response to an Request for Information or Sources Sought Notice.

**Past Performance:** An evaluated criteria of a federal proposal effort that is typically defined by its size, scope, and complexity. Per the FAR, Past Performance information (including the ratings and supporting narratives) is relevant information for future source selection purposes regarding a contractor's actions under previously awarded contracts or orders. Generally considered "how well" a contractor has performed based on an objective assessment by an independent government source (e.g., CO, KO, COR, or COTR) while Corporate Experience is considered "what" a contractor has performed from the contractor's perspective. Past Performance is sometimes called Past Performance References.

**Past Performance Questionnaire (PPQ):** An official government form provided by the competing government to be completed by the contractor's customer references when utilizing relevant customer references to demonstrate past performance.

**Responsive (Compliant):** A contractor may only be awarded a government contract if its proposal is responsive. A responsive proposal completely and correctly addresses all of the solicitation requirements.

**Key Personnel:** Some solicitations require contractors to propose Key Personnel. These are special roles that usually require submission of resumes so the government can validate the proposed Key Personnel meet the required qualifications, which may include experience, education, and/or certifications. After contract award, changes to Key Personnel require advanced government approval, including validation that the proposed replacement meets all required qualifications.

**Desktop Publishing (DTP):** The act of formatting a piece of documentation to conform to standard practices and/or the font/size/document requirements as stipulated in a solicitation.

**Win Themes:** Thematic proof points sprinkled through your proposal meant to instill confidence and convince the customer that you are the best contractor for the job.

**One-voicing:** The act of editing a proposal within "one voice" to make disparate sections written by various writers sound as if it was written by one writer.

**Evaluation Notice (EN):** Consists of a list of questions or discussions that the government has for your proposal. They could ask a list of questions based on proposal deficiencies, significant weaknesses, and adverse past performance information. Were previously known as Items for Negotiation at some agencies.

**Final Proposal Revisions (FPRs):** This includes actual changes to your submitted proposals sometimes in track changes, sometimes conformed.

**Subcontracting Plan:** A written plan, submitted by a Prime contractor and approved by a CO/KO, that describes goals and actions the contractor plans to take to use small businesses to the maximum practicable extent in performing the contract.

**Meaningful Discussions:** As defined in FAR Part 15, these types of discussions occur when an agency indicates to an Offeror that certain aspects of its proposal could be altered or explained to materially enhance the proposal's potential for award or to obtain information from the Offeror that is necessary to determine the proposal's acceptability.

**Clarifications:** The FAR permits clarifications as "limited exchanges" to provide Offeror's "the opportunity to clarify certain aspects of proposals...or to resolve minor or clerical errors." Further definition in 48 CFR 15.306(a)(1), (2).

**Best and Final Offer (BAFO):** A term used in the FAR many years ago, before the major revision to Part 15, "Contracting by Negotiation," in 1997. In a negotiated procurement, following the conclusion of discussions with offerors, the CO/KO would issue a request for best and final offers to all offerors still within the competitive range. The pre-1997 FAR contained an entire section that described the "best and final" process. In federal procurement today, "BAFO" has been replaced by FPR as referenced in FAR 15.307. However, some agencies still refer to an "FPR" as a "BAFO."

**Provision:** A term or condition used only in solicitations and applying only before contract award ([FAR 2.101](#)). Also see **Clause**, which can apply both before and after contract award.

## ***Source Selection Methods***

**Source Selection:** This process may be formal or informal. A formal source selection is used for high-dollar value or complex acquisitions where someone other than the procuring contracting officer is the Source Selection Authority. The process begins with the establishment of an evaluation plan for a proposed acquisition and ends when the SSA selects a contractor to receive a contract award and debriefs the Offerors. Informal source selection procedures are less complex, as the Procuring Contracting Officer can



determine which offer constitutes best value for the government without formal input from other government officials specifically designated for that purpose.

**Best Value Continuum:** As described in FAR 15.101 an agency can obtain best value in negotiated acquisitions by using any one or a combination of source selection approaches.

**Tradeoff:** This process permits tradeoffs among cost or price and non-cost or price evaluation factors and allows the government to accept other than the lowest priced proposal or other than the highest technically rated proposal to obtain objective (versus threshold) performance, lower risk, or innovative and technologically superior solutions.

**Lowest Price Technically Acceptable (LPTA):** This method is used when best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price. In this case, the evaluation team may simply start with the lowest price proposal, confirm it is technically acceptable, and make a selection decision. The LPTA method is appropriate for requirements that are well defined and easily measurable (e.g., grass cutting). It is not appropriate for complex, knowledge-based services such as IT or engineering services.

**Highest Technically Rated Offeror (HTRO) with Reasonable Price:** A newer technique that allows award to the highest technically rated offer that is also found to have a reasonable price without using tradeoffs between cost or price and technical.

**No Price Evaluation:** Starting August 3, 2020, the Department of Defense, General Services Administration, and National Aeronautics and Space Administration were no longer required to consider price/cost as an evaluation factor in solicitations for certain multiple award contracts. The new rule, which implements Section 825 of the FY2017 NDAA, applies only to multiple award contracts that will be awarded for the “same or similar services” and when the government intends to award a contract to all qualifying offerors. Similarly, Section 876 of the FY2019 NDAA gave General Services Administration the authority to focus on creating robust competition at the order level, rather than evaluating prices for services acquired on an hourly rate basis at the contract level.

**Value Adjusted Total Evaluated Price (VATEP):** Tradeoff source selection process with monetized adjustments included in the evaluated price for specific enhanced characteristics.

## ***Business Development and Resources***

**Capture:** The art of acquiring (capturing) a federal opportunity. It is the flexible application of iterative activities designed to gain a competitive advantage prior to a solicitation release through proposal submission. It's the theory and process of qualifying an opportunity by assessing the environment and influencing a federal customer to prefer your approach (through ethical means only) facilitating the development and implementation of a winning strategy.

**Pipeline:** An organized, visual way of tracking multiple government contracting opportunities and their potential buyers through different stages of your sales processes. It is an organizational tool, if utilized correctly, helps position your organization by:

- Identifying potential opportunities and federal buyers that are relevant to an organization's capabilities and sales efforts.
- Developing and maintaining relationships with federal buyers and industry.
- Driving customer engagements and sales strategies.
- Assisting in shaping opportunities by responding and following-up on market research.

**Market Research:** Business practice used by government and industry that involves continuous collection and analysis of data on products, services, business practices, and vendor capabilities to make informed decisions regarding the acquisition of goods and services. Market research is also utilized by the government to identify small business vendors and determine whether requirements should be reserved or "set aside" for small business.

**Fiscal Year (FY):** One-year period used by organizations for financial reporting and budgeting. The federal government's fiscal year runs from October 1 to September 30, meaning that FY2022 (or FY22) starts on October 1, 2021 and ends on September 30, 2022.

**Value Propositions:** 2-3 sentences on why a contractor should win a specific contract, which influences your win themes!

**Capability Statements:** Also called "one-pagers" these are pieces of marketing collateral to send to prospective federal government customers. They usually include a list of products and/or services and previous/current customers.

## **Market Intelligence and Federal Procurement Resource Sites**

**SAM.gov**: An official website of the U.S. federal government. This is the primary open source contracting website to use to find U.S. federal contract opportunities. There is no cost to use SAM.gov; however, you do have to be registered in SAM.gov to access the entire platform. Login with two factor authentication is required. You can use this site to:

- Register to do business with the U.S. Government
- Update, renew, or check the status of your entity registration
- Search for entity registration and exclusion records
- Search for assistance listings (formerly CFDA.gov), wage determinations (formerly WDOL.gov), contract opportunities (formerly FBO.gov), and contract data reports (formerly part of FPDS.gov).
- View and submit BioPreferred and Service Contract Reports
- Access publicly available award data via data extracts and system accounts

**Acquisition.gov**: Houses the FAR, along with other federal regulations such as the General Services Acquisition Manual (GSAM). Includes links to procurement forecasts, business opportunities, and small business pages for each federal agency.

**GSA eBuy**: An electronic Request for Quote system designed to allow government buyers to request information, find sources, and prepare solicitations, online, for millions of services and products offered through GSA's Multiple Award Schedule, GSA Technology Contracts, and State & Local (under Cooperative Purchasing and the Disaster Recovery Programs). Government customers like use this platform because they know they can procure their solutions from an already vetted and verified vendor (a GSA Schedule Contractor) at industry price lowering the risk for their procurement. *Note: some federal opportunities are only accessible to GSA Schedule Contractors.*

**Grants.gov**: A common website for federal agencies to post discretionary funding opportunities and for grantees to find and apply to them.

**Challenge.gov**: A leading program that supports federal agencies to mature and scale the use of prize competitions to advance their missions. Federal agencies can engage public solvers in challenges and prize competitions (together referred to as “prize competitions”) to identify innovative solutions to critical issues.

**USAspending.gov**: The official source for U.S. federal spending data. Its mission is to show the American public what the federal government spends every year and how it spends the money. You can follow the money from the Congressional appropriations to the federal agencies and down to local communities and businesses. No login or registration is necessary.

**FDPS.gov**: FPDS.gov is a U.S. federal reporting tool on awarded contracts whose estimated value is \$10,000 or more. Every modification to that contract, regardless of dollar value, must be reported to FPDS. FPDS provides procurement data to USASpending.gov.

**Public Category Management Dashboards & Analytics**: A series of dashboards and tools to support stakeholders in the full Category Management lifecycle.

**Federal Acquisition Service (FAS) Schedule Sales Query Plus (SSQ+)**: The database represents sales reported by contractors and is currently the only source that breaks down GSA Schedule sales to the SIN level.

**Contract-Awarded Labor Category (CALC)**: Helps federal KO/COs and government contractors find awarded prices to use in negotiations for labor contracts. It offers ceiling prices, fully burdened costs, services data, and worldwide rates. No login or registration is necessary.

## ***Teaming***

**Prime Contractor/Subcontractor**: FAR 9.601(2) says that a prime/subcontractor teaming relationship exists where “a potential prime contractor agrees with one or more other companies to have them act as its subcontractors.” Prime/subcontractor teaming is sometimes called a “vertical” teaming relationship because the parties are not on the same contracting “level.” Instead, one company (the subcontractor) is subordinate to the other (the prime). It should be obvious who the “prime contractor” is the entity holding, in its name, a prime contract awarded by the government. But who qualifies as a “subcontractor” to that prime? Unfortunately, that question is trickier than it should be. Instead of using a single, consolidated definition, the FAR and DFARS1 have more than twenty (count ‘em!) separate definitions of the terms “subcontract” and “subcontractor”!2 Talk about confusing! For purposes of this article, we will use the definition found in FAR 44.101, which defines a subcontractor as “any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime contractor or another subcontractor.” A “subcontract,” in turn, is defined as “any contract [as that term is defined in FAR 2.101] entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract. It includes but is not limited to purchase orders, and changes and modifications to purchase orders.”

**Joint Venture**: A business formed by two or more companies. The companies will combine their efforts, money, skill, property, and knowledge, but not on a permanent basis for conducting business generally. Joint ventures are perfect for a specific project because this setup means that the parties will share ownership, returns or risks, and shared governance. This is a great option if your company is looking to gain access to a

new or emerging market, scale efficiencies by combining assets, share risk for investments and projects, and access skills and capabilities. A joint venture can be a powerful tool to improve the odds of winning a federal contract. It can strengthen past performance evaluations and provide excellent mentorship opportunities. But remember, joint ventures require planning. For example, joint ventures must be in writing and must be separately identified in SAM. Joint ventures are subject to approval, and approval can be rigorous when small business set-asides are involved. Given the necessary planning, and potential risks it's important to consider if a joint venture is the right decision for your business. The FAR does not provide one specific/single definition of a joint venture that is applicable to all procurements. FAR 4.102 offers a catch all, "a contract with joint venturers may involve any combination of individuals, partnerships, or corporations." As a general matter, joint ventures can be a formal or informal partnership or an incorporation as separate legal entities.

**Contractor Team Arrangements (CTA):** An arrangement in which two or more GSA Schedule contractors team together to provide a total solution to meet a customer's needs. Under Schedule CTAs, contractors complement each other and it allows teams to compete for orders for which they may not qualify independently. GSA encourages the use of CTAs to meet buyer's requirements.

**Mentor Protégé:** An SBA program that helps eligible small businesses (protégés) gain capacity and win government contracts through partnerships with more experienced companies (large businesses) that are willing to fill the mentor role.

## ***Solicitation Types***

**Request for Proposals (RFPs):** Used in negotiated acquisitions to communicate government requirements to prospective contractors and solicit proposals. RFPs for competitive acquisitions will, at a minimum, describe: the government's requirements, anticipated terms and conditions that will apply, information required to be in the offeror's proposal, and factors that will be used to evaluate the proposal. An RFP will result in a negotiated contract. A solicitation released via RFP typically includes [Standard Form 33](#) or [Standard Form 1447](#).

**Request for Quotations (RFQs):** Type of solicitation used by the government to obtain information and quotations, but the responses are not considered offers. This solicitation type can be used when the estimated value of the government's need is expected to be under US\$250,000 and simplified acquisition procedures will apply. The test program at FAR 13.5 raises the threshold for use of SAP for commercial items to \$7.5 million, (\$15 million for acquisitions as described in 13.500(c)). An RFQ, however, may also be used in some circumstances where the estimated value of the government's need exceeds the

simplified acquisition threshold. An RFQ bid package typically includes [Standard Form 18](#).

## ***Government Requests***

**Market Research:** The process of collecting and analyzing information about capabilities within the market to satisfy agency needs. A continuous process of gathering data on business and industry trends, characteristics of products and services, suppliers' capabilities, and related business practices. The data resulting from market research are analyzed and used to make informed decisions about whether the government's needs can be met by commercial products or services. Tools for market research include Request for Information or Sources Sought Notices.

**Request for Information (RFI):** A standard business process whose purpose is to collect written information about the capabilities of various suppliers. It is often used in market research as a solicitation sent to a broad base of potential suppliers for the purpose of conditioning suppliers' minds, developing strategy, building a database, for an upcoming contract competition.

**Sources Sought Notices:** A government market research tool to determine if there are two or more capable businesses or Small Businesses that can perform the requirements of a planned contract. It's used by the government in developing Acquisition Strategies.

## ***Contract Types/Classifications***

**Best in Class (BIC) Contracts:** A specific contract (or vehicle) has been designated by the Office of Management and Budget as a preferred Government-wide solution. A majority of the [BIC vehicles](#) include terms and conditions, data collection, and reporting requirements that support more transparent transactional data, facilitating an increase in accurate analysis of buying behavior.

**[Multiple Award Contracts / Schedules \(MAC/S\):](#)** A contract issued by GSA (e.g., GSA Schedule Contract) or an agency granted authority by GSA (e.g., Department of Veterans Affairs) where multiple awards are made. This is also the designation for any other indefinite-delivery, indefinite-quantity contract entered into with two or more sources pursuant to the same solicitation.

**[Commercial Solutions Opening \(CSO\):](#)** The goal of the CSO pilot program is to expand beyond the current FAR procurement methods with this commercial solutions opening procedure to provide a streamlined approach for acquiring innovative commercial items.

**Broad Agency Announcements (BAAs):** A BAA (FAR 35.016) is a notice from the U.S. federal government that requests scientific or research proposals from private firms and higher education concerning certain areas of interest to the Government. The proposals submitted by the private firms may lead to contracts.

**Blanket Purchase Agreements (BPAs):** An ordering instrument that Government agencies use to fill anticipated repetitive needs for supplies and services. The FAR states a preference for multiple award BPAs to foster ongoing competition, but single award BPAs can be established with approval. For BPAs established under FAR Part 13 - Simplified Acquisition Procedures, orders cannot exceed the simplified acquisition threshold of \$250,000. For BPAs established under FAR Part 8.4 - Federal Supply Schedules (aka GSA Multiple Award Schedule), orders do not have a predetermined limit.

**Prize Challenges / Competition:** Prizes and challenges are competitions among individuals, communities, Government entities, businesses, institutions, or non-profit organizations to achieve defined goals in a defined timeframe.

**Indefinite Delivery/Indefinite Quantity (IDIQ):** Allows an agency to purchase an undefined quantity/delivery over a set period while being restricted within the awarding agency. The government uses these contracts when it cannot predetermine, above a specified minimum, the precise quantities of supplies or services that it will require during the Period of Performance.

**Governmentwide Acquisition Contract (GWAC):** Type of contract in which multiple Government agencies align their needs and purchase a contract for goods and services. GWACs consolidate purchases. GWACs are IT Mission Support contracts only as authorized by OMB and the Clinger-Cohen Act.

**Other Transaction Agreement (OTA):** An “Other Transaction Authority” (OTA) is another way to work with the Federal Government vs. conventional FAR-regulated contracts, grants, or cooperative agreements. OTAs are legally binding instruments used as a workaround to do business with the federal government, allowing for the participation and engagement of Non-traditional contractors.

**Middle Tier Acquisitions (MTAs):** Middle-tier acquisition is for programs that house mature prototypes from Government and industry that typically do not require much additional development to begin production.

**Sole Source / Justification & Approval (J&A):** Sole-source contracts are contracts that can be issued without a competitive bidding process.

**SBIRS/STTRs:** Through the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs, America's Seed Fund awards non-dilutive funding to develop your technology and chart a path toward commercialization

## ***Contract Terms***

**Authority to Operate (ATO):** Permission for a product, often IT-related, to be used in or with an existing system. ATOs certify that the new product or service is compatible with existing systems and will not cause security risks.

**Responsible or Responsibility:** A contractor may only be awarded a government contract if it is determined to be responsible. To be determined responsible, a prospective contractor must have adequate financial resources, be able to comply with the delivery or performance schedule, and have a satisfactory performance record, among other requirements. See [FAR 9.104-1](#) for the full definition of responsibility. If the prospective contractor is a small business concern, the contracting officer shall comply with [FAR 19.6](#), Certificates of Competency and Determinations of Responsibility. If Section 8(a) of the Small Business Act ([15 U.S.C.637](#)) applies, see [FAR 19.8](#).

**Federal Risk and Authorization Management Program (FedRAMP):** Government-wide program established in 2011 offering a cost-effective, risk-based approach for the use of cloud services by the Government. FedRAMP provides a standardized approach to security authorizations for Cloud Service Offerings (CSO) and can authorize a CSO through an individual agency or the Joint Authorization Board (JAB). A product of GSA's Technology Transformation Services, FedRAMP takes into account the Federal Information Security Modernization Act (FISMA), OMB Circular A-130, and FedRAMP Policy.

**Period of Performance (PoP):** The timeframe in which a contract operates.

**Amendment:** When, either before or after receipt of proposals, the government changes its requirements or terms and conditions, in a formal way. This is done before contract award.

**Modification:** Any written change in the terms of a contract after contract award.

*Note on Amendments and Modifications:* A change to a solicitation is accomplished by issuing an Amendment, while a change to an awarded contract is accomplished by a Modification (aka Mod), which can be either unilateral or bilateral, depending on the substance.



**Clause:** Contract clause or clause means a term or condition used in contracts or in both solicitations and contracts, and applying after contract award or both before and after award. This is different than a **Provision**, which is a term or condition used only in solicitations and applying only before contract award. See [FAR 2.101](#).

**DUNS:** The Data Universal Numbering System, abbreviated as DUNS or D-U-N-S, is a proprietary system developed and managed by Dun & Bradstreet that assigns a unique numeric identifier, referred to as a "DUNS number" to a single business entity. Up until 2022, it was the number the federal government used to track how federal money is allocated. In April 2022, this changed to UIE.

**Unique Entity Identifier (UIE):** Entities doing business with the federal government will use a Unique Entity Identifier (SAM) created in SAM.gov as of April 4, 2022. UIE replaced the Dun & Bradstreet (D&B) number previously used.

**Indefinite Delivery Vehicle (IDV):** IDVs provide for an unspecified quantity of services for a set time period, used when the Government cannot determine the exact quantity of supplies or services that will be required. IDVs are indefinite delivery contracts or agreements that have one or more of the following clauses: (1) [52.216-18](#), Ordering; (2) [52.216-19](#), Order Limitations; (3) [52.216-20](#), Definite Quantity; (4) [52.216-21](#), Requirements; (5) [52.216-22](#), Indefinite Quantity; (6) Any other clause allowing ordering. The determination of the type of IDV is defined by the requirements of the FAR, but they can be (but are not limited to) a federal supply schedule, government-wide acquisition contract, basic ordering agreement, or blanket purchase agreement.

**Obligations:** The responsibilities the parties in a contract agree to fulfill. When the Government has obligated money to a contractor, it has agreed to pay them that amount in return for the agreed upon product or service, although the money may not have been exchanged yet.

**Reps & Certs (Annual Representations and Certifications):** Representations (Reps) and Certifications (Certs) are written guarantees made by entities to sponsoring agencies to comply with various requirements and are required for the conduct of business with the federal government. Reps and Certs are a requirement to be registered in SAM.gov to do business with the Federal Government.

**Limitation on Subcontracting (FAR 52.219-14):** By submission of an offer and execution of a contract, the Contractor agrees that in performance of a contract for:

(1) Services (except construction), it will not pay more than 50 percent of the amount paid by the Government for contract performance to subcontractors that are not similarly situated entities. Any work that a similarly situated entity further subcontracts will

count towards the prime contractor's 50 percent subcontract amount that cannot be exceeded. When a contract includes both services and supplies, the 50 percent limitation shall apply only to the service portion of the contract.

(2) Supplies (other than procurement from a nonmanufacturer of such supplies), it will not pay more than 50 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities. Any work that a similarly situated entity further subcontracts will count towards the prime contractor's 50 percent subcontract amount that cannot be exceeded. When a contract includes both supplies and services, the 50 percent limitation shall apply only to the supply portion of the contract.

**Similarly Situated Entity:** Similarly Situated Entity means a first-tier subcontractor, including an independent contractor, that—

(1) Has the same small business program status as that which qualified the prime contractor for the award (e.g., for a small business set-aside contract, any small business concern, without regard to its socioeconomic status); and

(2) Is considered small for the size standard under the North American Industry Classification System (NAICS) code the prime contractor assigned to the subcontract.

**Christian Doctrine:** Under the Christian doctrine, "mandatory" regulations or law, binding on the contract parties when applicable to the contract, need not be physically incorporated into the contract. Parties to a government contract are deemed to have agreed to contract terms required by law to be included in the contract. The Christian doctrine is available only when relevant statutory or regulatory provisions are required to be included in an agency's contracts. Application of the Christian doctrine does not depend on whether the omission of a mandatory contract clause was intentional or inadvertent. The Christian doctrine comes from the 1963 case *G. L. Christian & Associates v. United States*.

## ***Socio Economic Classifications***

### **Women-Owned Small Business (WOSB) Certification:**

To be eligible for the federal women's contracting program, your business must:

- Be a small business
- Be at least 51% owned and controlled by women who are U.S. citizens
- Have a women manage day-to-day operations and also make long-term decisions

- To qualify as an economically-disadvantaged, women-owned small business (EDWOSB) within the federal women's contracting program, your business must:
- Meet all the requirements of the women's contracting program (see above)
- Be owned and controlled by one or more women, each with a personal net worth less than \$750,000
- Be owned and controlled by one or more women, each with \$350,000 or less in adjusted gross income averaged over the previous three years
- Be owned and controlled by one or more women, each \$6 million or less in personal assets

### **Service-Disabled, Veteran-Owned Small Business (SDVOSB) Certification:**

To qualify for the disabled veterans' business program, your business must:

- Be a small business
- Be at least 51% owned and controlled by one or more service-disabled veterans
- Have one or more service-disabled veterans manage day-to-day operations and also make long-term decisions

Eligible veterans must have a service-connected disability

SDVOSBs may self-certify their status to compete for set-aside contracts at most federal agencies. However, VA does not recognize SDVOSB self-certification. VA SDVOSB contractors must be verified by the Center for Verification and Evaluation.

### **Veteran Owned Small Business (VOSB):**

- VOSB verification will transfer from VA to SBA in 2023. As required by the National Defense Authorization Act (NDAA) of 2021, VA's Center for Verification and Evaluation will be transferred to SBA effective January 1, 2023.

### **Historically Underutilized Business Zone (HUBZone) Certification:**

To qualify for the HUBZone program, your business must:

- Be a small business
- Be at least 51 percent owned and controlled by U.S. citizens, a Community Development Corporation, an agricultural cooperative, a Native Hawaiian organization, or an Indian tribe
- Have its principal office located in a HUBZone
- Have at least 35 percent of its employees live in a HUBZone

### **8(a) Certification:**

- Be a small business
- Not already have participated in the 8(a) program
- Be at least 51 percent owned and controlled by U.S. citizens who are economically and socially disadvantaged
- Be owned by someone whose personal net worth is \$250,000 or less
- Be owned by someone whose average adjusted gross income for three years is \$250,000 or less
- Be owned by someone with \$4 million or less in assets
- Have the owner manage day-to-day operations and also make long-term decisions
- Have all its principals demonstrate good character
- Show potential for success and be able to perform successfully on contracts

*The following entity types are informally known as “Super 8(a)” companies. This subset of entity types are permitted to receive sole source (direct award) contract up to \$100M without a J&A.*

### **Native Hawaiian Owned (NHO):**

The requirements for an NHO-owned firm are largely the same as an individual-owned firm applying for the 8(a) program with some exceptions, some of which will be noted below.

- To qualify for the 8(a) program, the NHO must own a minimum of 51% of the for-profit entity and must control the applicant firm.
- In addition, a majority of the NHO’s Directors must be Native Hawaiian.
- The NHO must primarily serve Native Hawaiians.
- There is an additional basis for the waiver from the two-year in business requirement, which is if the NHO has made a firm written commitment to support the applicant firm.
- An NHO-owned firm applying for the 8(a) program cannot have the same primary NAICS code as a sister company in the 8(a) program or within 2 years of the date of the application.
- The NHO Directors must have management experience.
- Generally speaking, an NHO and its companies will not be found to be affiliated with each other for size purposes.

### **Tribally Owned/ Alaskan Native Corporations (ANC):**

13 CFR 124.109 outlines the initial eligibility requirements for ANCs and Tribes. An Indian tribe means any Indian tribe, band, nation, or other organized group or community of

Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. ANC-owned concerns are subject to the same conditions that apply to tribally-owned concerns, unless specified

## ***Background Investigations and Security Clearances***

**Defense Counterintelligence and Security Agency (DCSA):** DCSA is the security agency in the federal government dedicated to Personnel Vetting and Critical Technology Protection. DCSA services over 100 federal entities, oversees 10,000 cleared companies, and conducts approximately 2 million background investigations each year. On April 24, 2019, Executive Order (EO) 13869 directed the transfer of the National Background Investigations Bureau (NBIB), the primary investigative service provider for the Federal Government, from the Office of Personnel Management (OPM) to the Department of Defense (DoD), effective October 1, 2019. DCSA was formerly known as the Defense Security Service (DSS).

**Tiered Investigations:** Tiered Investigations are implemented based on the requirements of the position or role. The two general categories of investigations are Public Trust and National Security. There are five (5) tiers of investigations, ranging from Tier 1 (Public Trust, Low Risk) to Tier 5 (National Security, Critical Sensitive).

**DD Form 254, Contract Security Classification Specification:** DD Form 254, Contract Security Classification Specification is the standard form attached to federal contracts when there is a requirement for cleared personnel and/or handling of classified material. This form provides a contractor (or a subcontractor) the security requirements, classification guidance, and handling procedures for classified material received and/or generated on a classified contract. The FAR requires that a DD Form 254 be incorporated in each classified contract. Although the DD 254 is a DoD form, it is used by other agencies when they have classified contracts.

**Electronic Questionnaires for Investigations Processing (e-QIP):** e-QIP is a web-based automated system that was designed to facilitate the processing of standard investigative forms used by DCSA and other Investigation Service Providers (ISP) when conducting background investigations for Federal security, suitability, fitness and credentialing purposes. e-QIP allows the user to electronically enter, update and transmit their personal investigative data over a secure internet connection to a requesting agency.

**Defense Information Security System (DISS):** DISS serves as the enterprise-wide solution for personnel security, suitability, and credentialing management for DoD military,

civilian, and contractors. DISS replaced the Joint Personnel Adjudication System (JPAS) as the System of Record on March 31, 2021.

**National Industrial Security System (NISS)**: NISS is the DCSA System of Record for industrial security oversight accessible by Industry, Government, and DCSA personnel. It was deployed on Oct. 1, 2018, replacing Industrial Security Facilities Database (ISFD) and Electronic Facilities Clearance System (e-FCL).

**Facility Clearance (FCL)**: Entities (including companies and academic institutions) engaged in providing goods or services to the U.S. government involving access to or creation of classified information may be granted a Facility Clearance (FCL). Mandated by the guidelines set forth in the National Industrial Security Program (NISP), the Defense Counterintelligence and Security Agency (DCSA) processes, issues, and monitors the continued eligibility of entities for an FCL.

Note: An FCL is based on a business entity, not a physical facility as the name implies. Physical facilities that are cleared for storing and handling classified information are authorized for **Safeguarding**, which is in addition to the FCL.

**Personnel Clearance (PCL)**: A personnel security clearance is an administrative determination that a contractor employee is eligible for access to classified information. This determination is based on an investigation, subsequent review of available personal data, and a finding that access is clearly consistent with national interests. Contractor companies must possess an FCL to be permitted to manage their employees' PCLs.

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## IV. About the Authors



Founded in 2017, [The Pulse of GovCon](http://www.thepulsegovcon.com) is a small, self-funded, women-owned, for-profit business located in the DMV region. The Pulse was founded to break down barriers across the Government Contracting ecosystem and bridge the fundamental gaps surrounding federal procurement through our writing, training, consulting, and customized membership platform. We serve as an accessible supplemental resource for large-, mid-, and small-sized Government Contractors, as well as the U.S. federal government, media, trade organization, academia, and Procurement Technical Assistance Centers (PTACs), finding, translating, and analyzing complex federal procurement information and data to develop actionable solutions. As a boutique federal market intelligence and research consultancy firm, we work with our clients and partners to tell the full U.S. federal procurement story – from data trends to opportunity identification to personal linkages. By putting the human element back into federal procurement data, we connect historical data to the current federal competitive landscape to deliver the critical context to the Government Contracting Industrial Base and its stakeholders. For more information or a demo, visit [www.thepulsegovcon.com](http://www.thepulsegovcon.com).



[ZYGOS Consulting](http://www.zygos.com) is a management consulting firm that provides Strategic Planning, Acquisition Support, and Program Management. ZYGOS is a niche firm founded by consultants with experience at top-tier consulting firms Gartner and Ernst & Young. Our industry veterans are complemented by retired government civilians and military officers who offer their decades of experience and lessons learned to our clients. ZYGOS provides high-end consulting at a fraction of the cost of traditional management consulting firms, while our small business culture allows us to move with agility to meet client needs. We are recognized subject matter experts in government acquisition and have supported high profile programs as well as reform initiatives such as the Section 809 Panel and Defense Innovation Board Software Acquisition and Practices initiative.