# The Office of Acquisition and Logistics Management Newsletter – 2019 Fourth Quarter

# Prohibition on Acquiring Certain Telecommunication Equipment and Services

Section 889(a)(1)(A) of the [2019 National Defense Authorization Act (NDAA)](https://www.congress.gov/bill/115th-congress/house-bill/5515/text) prohibits the federal government from acquiring telecommunications equipment or services from Huawei, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). This applies to new solicitations issued on or after August 13, 2019 and any resulting contracts, as well as to contracts that are awarded on or after August 13, 2019 even if the solicitations preceded that date.

[FAR Case 2018-017](https://www.federalregister.gov/documents/2019/08/13/2019-17201/federal-acquisition-regulation-prohibition-on-contracting-for-certain-telecommunications-and-video) addresses the provision of covered telecommunications equipment or services by:

* Prohibiting contractors from providing covered telecommunications equipment or services unless the agency confirms that an exception applies, or a waiver is granted.
* Requiring every offer for a contract or order that includes covered equipment or services to provide additional details.
* Mandating that contractors report any covered equipment or services if discovered during the course of contract performance.

This prohibition applies to all contracts, including those below the Simplified Acquisition Threshold and purchases below the Micro-Purchase Threshold.

For additional clarification, please reference the [889 FAQ for Acquisition Workforce](https://oalmsps.od.nih.gov/OAMP/DSAPS/ASRB/SAPhD/Shared%20Documents/889%20FAQs%20for%20Acquisition%20Workforce.pdf) or the [FAR 4.2105 Decision Tree](https://oalmsps.od.nih.gov/OAMP/DSAPS/ASRB/SAPhD/Shared%20Documents/FAR%204.2105%20Decision%20Tree.pdf) found on the Simplified Acquisition SharePoint site.

# ****HHS Policy Flash 20-01: Accurate Product Service Code (PSC) Selection is Crucial****

The HHS acquisition workforce is reminded the selection of the most accurate, precise, and descriptive Product Service Code (PSC), based on the predominant product or service being purchased, is critical to the federal reporting process. The purpose of the codes is to indicate “WHAT” and “HOW” specific products and services are being purchased and to assist industry, agencies, and government leadership with making critical procurement policy and acquisition decisions. The information collected provides data for compiling legally mandated reports, examine existing trends in Federal spending, and helps link procurement systems to contracting and financial data.

Miscellaneous PSC codes ending in “99” [e.g., R499 (Support – Professional: Other), R699 (Support – Administrative: Other), and R799 (Support – Management: Other)] are often selected as the default codes rather than the exception. To support data integrity and prudent business decisions, acquisition professionals are encouraged to use miscellaneous codes sparingly since they are vague and do not supply adequate information on purchase types and categories.  Contracting officers are encouraged to choose a PSC code that is meaningful and best describes what is truly being bought.

In addition to recording accurate PSC codes, acquisition professionals are reminded to use the “Description of the Requirement” field in FPDS to fully summarize the principal purpose of the order in as much detail as possible.

Additional Resources:

The [Federal Procurement Data System Product and Service Codes Manual](https://www.acquisition.gov/sites/default/files/page_file_uploads/PSC_Manual_June_2019_Edition_6%20_20_19%20%281%29.pdf) (June 2019 Edition – effective June 28, 2019)

The Defense Pricing and Contracting (DPC) office maintains a Product Service Code (PSC) Selection Tool to assist the acquisition workforce with selecting Product Service Codes, Object Classification Codes, and North American Industry Classification System (NAICS) codes. [PSC Selection Tool](https://psctool.us).

# Clear Contract Language Crucial to Contractor Performance

The Nuclear Regulatory Commission (NRC) Office of the Inspector General (OIG) conducted an evaluation of contracts focused on Voice over Internet Protocol (VoIP) deployment. The evaluation found the language used in a series of contracts was unclear and too board.

In one case, the ambiguous language found in the contracts led to confusion as to whether the contractor (Verizon) was responsible for physically installing the VoIP phone on the desks at headquarters. While NRC believed Verizon to be responsible, Verizon disagreed and ultimately did not install the VoIP phones. As a result, NRC had to incur additional cost by issuing another contract to perform the work.

NRC contacted GSA for mediation because the agency believed that Verizon was not fulfilling its contractual duties. However, after GSA reviewed the language in the contract, it was determined that Verizon was performing the work stated in the Statement of Work, as written. As a result, NRC could not recover any costs. The result was programmatic confusion, delay in work, and added cost to meet program objectives.

The reason this occurred is because the contract language was unclear and too broad. A contract must clearly define the work for which a contractor is responsible as well as the performance objectives that must be met.

To avoid situations like this, OIG recommends: clarification on contractor roles and responsibilities, consultation of legal counsel to avoid gaps and duplication of services, establishment of policy for all new telecommunications contracts & future modifications to current telecommunications contracts, and finally, that CORs review roles and responsibilities to prevent gaps and duplication of services.

Contractual language is essential to the success of the program and contractor performance. Poorly written line items and Statement of Works (SoW) will only lead to greater burden in the future. Please visit [Evaluation of NRC’s Oversight of the Voice over Internet Protocol Contract and Implementation](https://www.oversight.gov/sites/default/files/oig-reports/OIG-19-A-17-Evaluation%20of%20NRC%E2%80%99s%20Oversight%20of%20the%20Voice%20over%20Internet%20Protocol%20Contract%20and%20Implementation%20Final%20Report%28BXK%29.pdf) to review the full OIG evaluation.

# White House Honors NIH HBCU Program

The National Institutes of Health (NIH) and Historically Black Colleges and Universities (HBCUs) have shared a long history of successful advancements in healthcare. HBCUs maintain a longstanding tradition of contributing to the nation’s public health—as well as diversifying the healthcare profession.

In 2017, Ms. Diane J. Frasier, the NIH Head of the Contracting Activity, Director, Office of Acquisition and Logistics Management (OALM) established the Path to Excellence and Innovation (PEI) Program in accordance with the Presidential Executive Order (EO) 13779 The White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities (WHIHBCU). The PEI’s mission is to empower HBCUs with the knowledge, resources, and skills they need to effectively and consistently compete for and win partnership opportunities within the NIH.

On September 9, 2019, the PEI program received the Chairman’s Award from the White House Initiative on HBCUs at the 2019 National HBCU Week Conference. The award recognized the NIH’s efforts to strengthen HBCUs ability to equitably participate in federal programs, explore new ways to improve the relationship between the federal government and HBCUs and establish how each respective agency intends to increase the capacity of HBCUs to compete effectively for grants, contracts, and cooperative agreements. Notably, the WHIHBCU acknowledged the NIH’s implementation of the first NIH HBCU Industry Day on March 12, 2019. The event brought HBCUs, industry, and the NIH acquisition, grant, and program officials together to collaborate on best practices and form partnerships. Currently, there are six HBCU’s in our pilot program – Jackson State University, Howard University, Hampton University, Meharry School of Medicine, Morehouse School of Medicine, University of the Virgin Islands.

Moreover, former HHS Secretary Dr. Louis Wade Sullivan accepted the Lifetime Achievement Award for his leadership in minority health research and policy. The NIH Deputy Director, Lawrence A. Tabak, D.D.S., Ph.D., and Dr. Eliseo J. Perez-Stable, M.D., were in attendance to support these awards.

If your institute or center has programs about the infrastructure and/or training of HBCU administrators, please email NIHSmallBusiness@nih.gov.

**Recap Corner**

Below is a recap of recent OALM communications to the NIH acquisition workforce.

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| ID | Title | Date |  Purpose |
| 19-37 | FY 2014 Canceling Year Lines | 5/13/2019 | Provide update on canceling 2014 year lines |
| 19-38 | FedDataCheck Webinar - Miscoding the new FPDS-NG Item 6T - Inherently Governmental Functions | 5/14/2019 | FedDataCheck (FDC) Alert 141 identifies actions where FPDS Item 6T Inherently Governmental Functions (IGF) and Item 8A Product or Service Code (PSC) conflict. Item 6T Inherently Governmental Functions is only required on actions with a PSC as a ‘Service’ (PSCs which begin with an “ALPHA”). The number of FY19 actions by ICs is listed below. |
| 19-39 | NEW SharePoint Site for DCIS, CPARS, and FedDataCheck -  | 5/14/2019 | Provide New SharePoint Site for DCIS, CPAR, and FedDataCheck |
| 19-40 | FedDataCheck Webinar - Commercial Item Acquisition Procedures - Expanding Universes and Inconsistent Coding | 5/28/2019 | Provide FedDataCheck Webinar information |
| 19-41 | FY18 Independent Validation and Verification (IV&V) Results | 5/28/2019 | Provide FY18 Independent Validation and Verification Results |
| 19-42 | FPDS Downtime for Production Maintenance | 5/30/2019 | FPDS Maintenance |
| 19-43 | FPDS validation has been reinstated | 6/3/2019 | Reinstatement of FPDS validation |
| 19-44 | Awards not Reported to FPDS/DCIS on Friday, May 31, 2019 | 6/3/2019 | Provide awards not reported to FPDS/DCIS on May 31, 2019 |
| 19-45 | Execution of NBS PO Final Close Program on FY 2014 Canceling Year Funds | 6/10/2019 | Provide executive of NBS PO Final Close Program on FY2014 Canceling Year Funds |
| 19-46 | DCIS Data Corrections - FedDataCheck 123 Alert Email Tip | 6/14/2019 | Provide DCIS Data Corrections |
| 19-47 | FedDataCheck Webinar -- – Linking FPDS-NG to Sub-Awards and their corresponding Highly Compensated Officers  | 6/17/2019 | Provide FedDataCheck Webinar  |
| 19-48 | FY 2014 Canceling Year Lines & NBS Automated Close Program Run of June 21 | 6/27/2019 | Provide FY 2014 Canceling Year Lines & NBS Automated Close Program |
| 19-49 | FY 2014 Canceling Year Lines & Scheduled NBS Automated Close Program Run of July 20 | 7/1/2019 | Provide update on cancelling year lines & scheduled NBS Automated Close |
| 19-50 | FPDS Changes – June 2019 | 7/1/2019 | Provide FPDS Changes |
| 19-51 | PCard Changes – June 2019 | 7/1/2019 | Provide PCard Changes |
| 19-52 | FY 2014 Canceling Year Lines & Scheduled NBS Automated Close Program Run of July 20 | 7/8/2019 | Provide FY 2014 Canceling Year Lines & Scheduled NBS Automated Close |
| 19-53 | DCIS is Down | 7/15/2019 | DCIS Downtime |
| 19-54 | DCIS Connectivity - RESOLVED | 7/15/2019 | DCIS Restored |
| 19-55 | FY 2014 Canceling Year Lines & Scheduled NBS Automated Close Program Run of July 20 | 7/15/2019 | Provide FY 2014 Canceling Year Lines & Scheduled NBS Automated Close |
| 19-56 | FPDS Maintenance Downtime - Saturday, July 20, 2019 | 7/18/2019 | FPDS Maintenance Downtime |
| 19-57 | NBS Automated Close Program Run of July 20 Postponed | 7/19/2019 | Cancel Year Lines and Expiring Lines |
| 19-58 | DCIS/FPDS-ng NEW Item 2H Solicitation Date | 7/22/2019 | NEW Item 2H Solicitation Date added July 2019 |
| 19-59 | FY 2014 Canceling Year Lines & Scheduled NBS Automated Close Program Run of August 24 | 7/22/2019 | Cancel Year Lines and Expiring Lines |
| 19-60 | Error message received when updating/correcting a finalized DCIS/FPDS report. | 7/23/2019 | Buyers are receiving the below error message when correcting/updating a finalized DCIS/FPDS record.  |
| 19-61 | FY 2014 Canceling Year Lines & Scheduled NBS Automated Close Program Run of August 24 | 7/29/2019 | Cancel Year Lines and Expiring Lines |
| 19-62 | SAM will update the Table of Size Standards to reflect SBA’s recent inflation adjustment to the monetary-based standards | 7/19/2019 | SAM will update the Table of Size Standards |
| 19-63 | Contract Number Not Found in FPDS – External Delivery/Task Order Error Message | 8/15/2019 | Contract Number not found in FPDS message displays when reporting an external Delivery/Task Order base award to DCIS/FPDS |
| 19-64 | FPDS Production Downtime - Saturday, August 24, 2019 | 8/22/2019 | FPDS Production Downtime - |
| 19-65 | No NBS Automated Close Run on August 24 | 8/23/2019 | Cancel Year Lines and Expiring Lines |
| 19-66 | Please Resolve All FY 2014 Canceling Year Lines ASAP! | 8/26/2019 | Cancel Year Lines and Expiring Lines |
| 19-67 | New National Interest Action Value – Hurricane Dorian 2019 | 9/17/2019 | A New National Interest Action (Item) value ‘Hurricane Dorian 2019’ has been added to track the relief contracts in DCIS/FPDS |
| 20-01 | Decommissioning the Department Contracts Information System (DCIS) | 10/04/2019 | HHS is decommissioning the Departmental Contracts Information System (DCIS) |
| 20-02 | Policy Flash from the HHS Office of Acquisition Policy - Product Service Codes (PSCs) | 10/04/2019 | Selection of the most accurate, precise and descriptive Product Service Code (PSC),  |
| 20-03 | DCIS Alert - New FPDS-NG Guidance on Determining the Principal Place of Performance – DCIS/FPDS Item (9) - Webinar Event | 10/07/2019 | PotomacWave Inc. will be hosting a webinar on Thursday, October 17th |
| 20-04 | DCIS Alert -  Discrepancies Between FPDS-NG and FAPIIS on Reported Terminations for Cause and Default - Webinar Event | 10/25/2019 | PotomacWave Inc. will be hosting a webinar on Thursday, October 31st |
| 20-05 | DCIS Alert -  FPDS Validation has been turned off | 10/31/2019 | The FPDS validation button for reporting awards has been disabled |
| 20-06 | DCIS Alert - Connectivity - RESOLVED | 11/04/2019 | DCIS Connectivity issue has been RESOLVED |
| 20-07 | DCIS Alert – R&D Human Subjects Involvement - NIH Field 115 UPDATE | 11/05/2019 | The NIH Human Subjects Involvement field, NIH field 115, has been updated to retire two values |
| 20-08 | DCIS Alert - Termination for Default vs. Termination for Cause -- the same result for vendor, so what's the difference? - Webinar Event | 11/06/2019 | PotomacWave Inc. will be hosting a webinar on Thursday, November 14th |

# Acquisition Training at NIH

Acquisition Training Classes that are offered by the NIH Training Center can be accessed at the following link: [Acquisition Management Training](https://hr.nih.gov/training-center/course-catalog/acquisitions-management)

Federal Acquisition Certification Coursework

CON courses and other Federal Acquisition Certification required courses can be found at the [NIH Training Center](https://hr.nih.gov/training-center/course-catalog/acquisitions-management), [Federal Acquisition Institute](http://www.fai.gov/), and [Defense Acquisition University](https://learn.dau.mil/Atlas2/faces/page/atlasSE/login/Login.seam).

Section 508 Accessibility Training

Section 508 Accessibility Training courses can be accessed at: [CIT Section 508 Accessibility Training Website](http://training.cit.nih.gov/list.aspx?catId=14).

Green Purchasing Training

Green Purchasing Training and other Green Training courses can be found at: [OALM Green Purchasing Website](http://oalm.od.nih.gov/GreenPurchasingForWebsite).

# News from the BPA Program

Need to make a quick buy?

Looking to create value for your customer?

Not sure what a BPA is?

Contact the BPA Helpline at 301-496-5212 or the Helpdesk BPAProgramBranch@od.nih.gov

# NIH Blanket Purchase Agreement (BPA) Lists Available Online

Lists of all NIH Blanket Purchase Agreements (BPAs) can be found at the NIH [Blanket Purchase Agreement Homepage](http://oamp.od.nih.gov/dsaps/bpa-program).

This website contains a number of BPA listings, including:

1. NIH -Wide BPA list (alphabetical list by vendor name);

2. NIH -Wide BPA List sorted by commodity;

3. Open Market BPA Holders; and

4. GSA Federal Supply Schedule BPA Holders.

If you have any questions or need further clarification, please contact the BPA helpline at 301-496-5212 or email.

# THANKS!

We would like to thank all those who contributed to this and future editions of the OALM Newsletter.

The OALM Newsletter will be published four (4) times in calendar year 2020. We encourage staff to submit articles that would be of interest to our readers. We will do our best to include such articles in future editions of the OALM Newsletter.

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If you have any questions or comments regarding the information, policy and/or procedures published in this issue, you may contact Jesse Lee at the e-mail address above. For future issues please contact the Simplified Acquisitions Helpline on 301-496-0400 or via e-mail at OALMnewsletter@mail.nih.gov and you will be referred to the appropriate editor.