

FREQUENTLY ASKED QUESTIONS

Note: This is an early draft of the document. Please provide us your questions and/or comments. Is there anything else we should include?

1. What is a Blanket Purchase Agreement (BPA)?

A BPA “is a simplified method of filling anticipated repetitive needs for supplies or services by establishing “charge accounts” with qualified sources of supply (FAR Subpart 13.303-1).” A BPA is an “account” and not a “contract” and may be cancelled at any time by the NIH or the vendor. These “accounts” are for quick buys and contain negotiated discounted pricing and a checklist of terms and conditions that may apply to a BPA call.

2. What is a BPA call?

An order under a BPA is commonly referred to as a BPA call. Buyers can acquire goods or services from an established BPA by issuing a BPA call. A BPA call is the document which obligates funds for the supplies/services ordered from the Parent BPA and provides for an enforceable agreement between the Government and the Vendor.

BPA calls, depending on the dollar threshold, may require that the Buyer conducts the buy in accordance with the requirements for publicizing (FAR Part 5), and competition (FAR Part 6). Buyers should refer to the File Documentation Checklist available in the Acquisition Services and Review Branch’s (ASRB) SharePoint site.

3. What are the benefits of using a BPA?

The BPAs support the NIH acquisition community by ensuring that pricing from a vendor is consistent for buyers across the NIH.

4. What are the ordering procedures for a BPA call?

A comprehensive consolidate file documentation checklist is available on the ASRB's SharePoint site, and it's a great simplified acquisition resource.

- For Open Market BPA calls, please follow solicitation procedures for purchases above the micro-purchase threshold.
- For buys under \$15K, buyers are encouraged to solicit from at least three OM BPA holders within the same commodity/service to promote competition to the maximum extent practicable. Whenever practicable, a buyer should request quotations or offers from two sources not included in the previous solicitation. A buyer may solicit from one source if the buyer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization). This determination should be placed in the Buyers award file.
- Requirements between \$15K and \$25K must be competed (unless you are sole sourcing) and posted on a bid board.
- If a Federal Supply Schedule (FSS) BPA call is above the micro-purchase threshold, the buyer shall solicit at least three FSS BPA holders within the same commodity/service. A buyer may limit competition if a limited sources justification is signed and approved by a warranted Contracting Officer at the appropriate level. (See FAR Subpart 8.405-6 for more details).

5. Can the Government-wide commercial purchase card be used against a BPA?

If accepted by the vendor, a purchase card may be used against a BPA to obtain the Agreement’s pre-negotiated pricing, discounts. Please see Purchase Card guides, policies and procedures.

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6. Do BPA discounts apply to purchase card orders against BPAs?
Yes, if the BPA holder/vendor accepts purchase cards. BPA discounts are to be honored whether the buyer uses a purchase card, a purchase order, or places a BPA call.
7. What is the maximum period of performance for a BPA call?
The maximum period of performance for a BPA call is 12 months.
8. Can a BPA call for services extend beyond the ordering period of the parent BPA?
Yes, BPA calls for services may extend beyond the ordering period of the parent BPA. However, if a BPA expires and is not renewed, the buyer may not add more funds to the BPA call. Also, see specific period of performance response #6.
9. Can a BPA call be placed on a BPA before it expires?
Yes, a BPA call can be placed against a BPA before it expires. Buyers must ensure that the period of performance for the BPA call begins prior to the expiration date of the BPA and that the BPA call is fully funded. A BPA call cannot be placed against a parent BPA if the period of performance on the BPA call begins after the parent BPA has expired.
10. Each BPA has a maximum order limitation (MOL). Is the MOL per BPA call or per the life of the BPA?
The MOL is per BPA call. No BPA call can exceed the maximum order limitation. If the BPA call is likely to be over this limitation, buyers should consider awarding a purchase order or a contract. In addition, the buyer is also limited by his/her warrant and may not place a BPA call above the limits stated in their warrant.
11. What Tax Identification Number (TIN) should the buyer choose when placing a BPA call?
The buyer should use the TIN established on the parent BPA when creating a BPA call. As part of your file documentation, Buyers should verify the vendor's information in the System for Award Management (SAM.gov).
12. Where can a buyer find the discount structure of a BPA?
The discount structure may be found in NBS PRISM within the "text" field of the current award document.
13. What is a split purchase and is it allowable against a BPA?
A split purchase is a single purchase that is intentionally divided into two or more separate purchases to avoid exceeding the single purchase limit of a buyer or contracting mechanism or to avoid obtaining competition. Splitting a purchase is not allowable and in violation of FAR Part 13.003. If the BPA call is likely to exceed the MOL, a purchase order or a contract should be awarded.
14. Does the BPA Program ever plan to increase the MOL for FAR 13 BPAs?
Not at this time. In addition to buyer training, there are critical PRISM related changes that need to be made prior to increasing the MOL.

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15. What should I do if a vendor is scheduled to be on site and/or have access to any governmental systems or sensitive information?

The buyer should contact his/her local IC's Information Systems Security Officer (ISSO) for assistance. The ISSO can assist the buyer and customer in creating a Statement of Work that includes language to protect government information, property, and information technology systems. Specific terms and conditions must be added to the BPA call.

16. The BPA call is above \$2,500 and is for a service. How would the buyer know if the BPA call is Service Contract Act (SCA) applicable? If found applicable, what should the buyer do?

If the BPA call for a service is placed against an Open Market (OM) BPA and is over \$2,500, the buyer should first determine if the service is subject to the SCA (for example, janitorial services) by reviewing FAR Subpart 22.10. If the Service Contract Act is applicable, the buyer shall add a Department of Labor (DOL) Wage Determination appropriate for the service to the BPA call. The DOL website also includes a user's guide.

17. Should BPA calls be competed?

- For Open Market BPA calls, please follow solicitation procedures for purchases above the micro-purchase threshold.
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18. Can OM BPA commodities/services and FSS BPA commodities/services be placed on the same BPA call?

Open Market and Federal Supply Schedule commodities/services cannot be placed on the same BPA call. BPAs under the program do not fully satisfy the requirements under FAR 8.402(f).

“FAR 8.402(f), For administrative convenience, an ordering activity contracting officer may add items not on the Federal Supply Schedule (also referred to as open market items) to a Federal Supply Schedule blanket purchase agreement (BPA) or an individual task or delivery order only if: (1) All applicable acquisition regulations pertaining to the purchase of the items not on the FSS have been followed (e.g., publicizing (Part 5), competition requirements (Part 6), contracting methods (Parts 13, 14, 15), and small business programs (Part 19)); (2) The ordering activity CO has determined the price for the items not on the FSS is fair and reasonable; (3) The items are clearly labeled on the order as items not on the FSS and they conform to the rules for numbering line items at subpart 4.10, and (4) all clauses applicable to items not on the FSS are included in the order .”

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19. If an item or service is not covered under the BPA, can a buyer purchase that item under the BPA?

A buyer may request that the BPA holder negotiate with the BPA Program Branch to add the specific item or service to the parent BPA.

20. I need to complete a modification to de-obligate funds on a BPA call and the parent BPA has expired; however, I receive an error message: “This call exceeds the maximum ordering requirements for the BPA” within PRISM, what do I do?

If the buyer receives this message, please generate an NBS helpdesk ticket requesting that the parent BPA be temporarily activated so that you can perform the action. The BPA Program team will no longer modify an expired parent BPA to change the ordering period to facilitate adjustments outside the order period. In addition to requiring the analyst to generate two modifications, manipulating the ordering period data is not an appropriate award action and affects NIH data collection.

21. How do I know if a vendor is an active BPA holder?

Every month, the BPA Program team posts two lists of active vendors, one in alphabetical order and the other by commodity, on the BPA Program website. If a vendor is listed on the BPA listing, then it is active. The buyer should contact the BPA Program Branch if a vendor is near its expiration and the buyer would like to know if the BPA is likely to be extended.

22. If a vendor is not active and is not listed; how can the vendor be added?

Please generate an email request and send it to BPAProgramBranch@od.nih.gov. The BPA Program team will work with the vendor to determine if the vendor is a good fit for the Program.

23. How do you determine which vendor is a good fit for the Program? What do you look for?

There are several key elements we look for in a vendor. Is the vendor a small business? Are they registered in SAM? Are the products or services they offer something that is an NIH-wide need? How many orders has the vendor successfully fulfilled for the NIH?

24. May hotel BPAs be used for any other purpose than peer review meetings?

No, the hotel BPAs are for the exclusive use of the Scientific Research and Evaluation Award (SREA)/Peer Review program. Use of the hotel BPAs for purposes other than SREA Peer Review meetings is strictly prohibited.

25. I generated a BPA call, and I am entering data in PRISM and FPDS. Is there anything I need to change that re-populates from the Parent BPA to the BPA call?

The Buyer and the Contracting Officer listed on the parent BPA automatically re-populates on the BPA call. Buyers must change the Buyer and/or Contracting Officer name to reflect the individual(s) awarding the BPA call. If you do not change the Buyer and/or Contracting Officer names to those of the Buyer and/or CO who are authorizing the BPA call in your IC, the buy is unauthorized and must be cancelled and reissued. Releasing awards in the name of another CO is not allowed.

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26. What if I mistakenly release an award with the incorrect Buyer and CO?
Per FAR 4.101, only contracting officers shall sign contracts on behalf of the United States. Warrants issued to a Contracting Officer by the OALM HCA cannot be re-delegated. Only the person with the warrant can release an award in their own name. The practice of obligating funds and releasing awards <i>on behalf</i> of another Buyer or CO is prohibited. Therefore, you must cancel the BPA and reissue it with the correct Buyer and/or CO. If you choose, you may issue a modification to de-obligate the funds first. Then, a second modification must be awarded to re-obligate the funds under the correct Buyer and CO.
27. Should I contact the BPA Program Branch if a vendor is continuously performing poorly?
Yes. If a vendor continues to perform poorly, please document the specifics about their performance and contact the BPA Program Branch either via email or via the helpline. In addition, the BPA Program Office accepts past performance evaluations from customers. A buyer can find the form at the NIH BPA Program Office website and should email the evaluation.
28. What should the buyer do if they think the BPA holder is not honoring the negotiated discounts and pricing?
The buyer should let the BPA holder know the discount that is reflected on the BPA (the discount structure is located within the text field in the PRISM award document) and if the BPA holder still does not honor the discount the buyer should contact the BPA Program Branch immediately so the BPA Administrator can follow-up with the vendor.
29. May a BPA holder visit a buyer's office to speak about its products?
A buyer and a BPA holder may meet and discuss the BPA holder's products/services. This is part of the market research process and is allowable under FAR Part 10-Market Research.
30. Will the BPA Program ever establish new FAR Part 8 BPAs?
Establishing BPAs under FAR Part 8 involves several factors. According to FAR Part 8, competitive procedures for establishing BPAs require ordering activities to survey at least three (3) GSA schedule contractors for orders exceeding the MPT but less than the SAT. It's challenging to compete with this already streamlined approach which includes pre-negotiated discounted pricing. In any case, we will continue to explore other options with GSA that do not conflict or duplicate what their program already offers.
31. May I include options in my BPA calls?
All BPAs (FAR Parts 8 or 13) are established to ensure that pricing offered to NIH buyers in the delegated and simplified acquisition communities is consistent across the agency. These BPAs "accounts" are set up with an ordering period of only 12 months. They are not multiple year vehicles and do not have "Option Periods". If your requirement goes beyond 12 months, Buyers should consider another acquisition vehicle type. Multiple year BPA calls with option periods that go up to 5 years and/or beyond the expiration date of the BPA and in some cases the actual GSA contract (FAR Part 8), are not "quick buys" .
32. If I have a buy that is over the MOL of a BPA, can I still request that the vendor honor the discounted price negotiated by the BPA Program for my purchase order or contract?
Yes.

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33. If I have an order that is over the MPT, do I have to compete and post it?

Yes, for FAR Part 13 BPAs. For FAR Part 8 BPAs, Buyers should solicit at least 3 GSA vendors. Follow the documentation checklist available in ASRB's SharePoint site.

34. How do we go about establishing new BPAs and categories?

Contact the BPA Program via the helpdesk at BPAProgramBranch@od.nih.gov .
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35. Do I send all my inquiries through the BPA Program Helpdesk?

Yes. The BPA Program Helpdesk is monitored daily (Monday thru Friday). To ensure a prompt response, we ask that you submit your inquiries through the helpdesk. Inquiries received through the helpdesk enables us to identify customers' needs and enhance program resources and tools.
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