Federal Contracting Playbook

HBCU 2025/2027

Guidance to federal contracting practices + HBCU tips & tricks

Comprehensive Playbook for Federal Contracting

Federal contracting involves the acquisition of goods, services, and research by federal agencies from external entities. In the context of higher education, these contracts provide a crucial avenue for funding, resources, and partnerships.

This playbook **aims to equip HBCUs with the necessary knowledge and tools to effectively secure and manage federal contracts,** ensuring they can fully leverage these opportunities to benefit their institutions and communities.

Importance for HBCUs

For Historically Black Colleges and Universities (HBCUs), federal contracts offer opportunities to enhance funding, expand research capabilities, and elevate institutional prestige.

These contracts can lead to advancements in academic programs and increased visibility and influence on important federal initiatives.



This guidebook is distributed through the efforts and collaboration of the National Space Council, White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities and **Executive HBCU Space Lab** to aid in advancing opportunities to HBCUs.

Empowering HBCUs: A Comprehensive Guide to Advancing Contracting

National Space Council

The National Space Council (NSpC) is the White House policy council responsible for ensuring the United States capitalizes on the rich opportunities presented by our nation's space activities.

Under the leadership of its chair, Vice President Kamala Harris, the NSpC advises and assists the President on the development and implementation of space policy and strategy and is comprised of Cabinet-level Secretaries and other senior executive branch officials.

The NSpC synchronizes the nation's civil, commercial, and national security space activities to advance the broader priorities of the Biden-Harris Administration. <u>https://www.</u>whitehouse.gov/ spacecouncil/

White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities

The Initiative works closely with the Executive Office of the President on key Administration priorities related to advancing educational equity, excellence, and economic opportunity through HBCUs, in partnership with HBCU leaders, representatives, students, and alumni and is dedicated to a Government-wide policymaking effort to eliminate barriers HBCUs face in providing the highest-quality education to a growing number of students.

Executive HBCU Space Lab

Collaboration between HBCUs, the Federal government, and industry partners to increase HBCU engagement in space-related federal contracting.

The Executive HBCU Space Lab is a solutions-oriented initiative that will release resources including Gateway-Z, a free platform to highlight space-related capabilities at HBCUs.

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Chapter 1 Understanding Federal Contracts

Introduction to Federal Contracting Understanding Government Procurement Rules and Regulations The Federal Acquisitions Regulations (FAR) Contract Vehicles Grants vs Contracts Prime/Sub Relationships HBCU Funding Sources

Introduction to Federal Contracting

Federal contracting typically involves a competitive bidding process to serve a government agency as per the contract statement of work and government requirements involving goods and services.

This is part of the federal government's acquisition or public procurement practices. Federal contracts may be single award or multiple award. Specific details of statement of work are critical in contract bidding and negotiation.

The contractor will be required to uphold the details within the agreed contract. The main contract holder is noted as the prime contractor. Contracts are legally binding, awarded based on stated evaluation factors, involve government oversight and control, and may include deliverables.

Since 2019, the primary platform for locating most federal contracting opportunities is the <u>SAM.gov</u> website. *This centralized resource is crucial for any institution, including HBCUs, seeking to engage in contracts with the federal government.*



Competitive Bidding Process

For contracts exceeding \$250,000, a competitive bidding process is generally mandated, overseen by a contracting officer.

This process can take the form of sealed bidding or negotiated procurement, depending on the specific circumstances and requirements of the procurement.

Understanding Government Procurement Rules and Regulations

Each federal agency operates with its designated contracting officers responsible for the acquisition of goods and services.

While these officers must adhere to agency-specific procurement regulations, they also follow the overarching guidelines outlined in the Federal Acquisition Regulation (FAR). An illustrative example is the Department of Defense, which utilizes the Defense Federal Acquisition Regulation Supplement (DFARS) to address its unique requirements.

For comprehensive information on procurement regulations and guidance, the federal government endorses <u>Acquisition.Gov</u> as the authoritative resource.

Role of Contracting Officers

Contracting officers (COs), or KOs within the Department of Defense (to distinguish them from military commanding officers), are pivotal in the federal contracting process.

They are the sole officials authorized to commit federal funds above the micro purchase threshold. Contracting officers operate under a formal warrant granted by a cabinet-level official, authorizing them to enter into contracts on the government's behalf.

Levels of Procurement

The federal procurement process categorizes purchases based on their monetary value and the nature of the product or service.



Simplified Acquisitions

This category applies to procurements streamlined to forego formal evaluation plans or scoring of offers, with a general cap of \$250,000 as per the FY18 National Defense Authorization Act.



Regular Purchases

Purchases that do not fit into the above categories are considered regular purchases. These typically require adherence to competitive procurement processes and are advertised on <u>SAM.gov</u>



Cost-Reimbursement Contracts

Types of Government Contracts

When a federal agency identifies a need for goods

or services, it outlines specific requirements and

Fixed-Price Contracts

These are widely used across federal agencies,

offering a set price for services or goods delivered.

Adjustments in pricing may occur through ceiling

devises an acquisition strategy, which includes

selecting an appropriate contract type:

or target pricing mechanisms.

Also known as cost-plus contracts, these allow the contractor to be reimbursed for all permissible expenses up to a pre-determined limit, plus a profit margin. **These contracts require meticulous accounting of costs by the contractor.**



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The Federal Acquisitions Regulations (FAR)

<u>The Federal Acquisition Regulation</u> is the principal set of rules regarding government procurement in the United States and is codified at Chapter 1 of Title 48 of the Code of Federal Regulations, 48 CFR 1.

The FAR covers many of the contracts issued by the US military and NASA, as well as US civilian federal agencies.

The purpose of the FAR is to publish uniform policies and procedures for federal agencies to follow when going through the procurement process.

These rules provide a consistent yet flexible purchasing procedure so that government contracts may be conducted in transparent, fair, and impartial manner. FAR § 1.102 1 describes the "vision" of the FAR.

The FAR is divided into 8 sub-chapters (A-H) and consists of 53 total Parts. Those Parts are then divided into subparts, sections, and subsections.

For example, the FAR section cited above – 1.102-1 – reads as follow: Part 1, Subpart 10, Section 2, Subsection 1.

The first 12 FAR Parts deal with general government acquisition matters and planning. The remaining 41 FAR Parts comprehensively covers topics that include acquisition methods, Socioeconomic Programs, Major Systems Acquisition, and Patents, Data, and Copyrights, and many others. Though the FAR is dense and its hard copy form is over 2,100 pages, the information is very understandable and easy to read and covers almost everything about government acquisitions.

In fact, FAR Part 52 includes all the required contract clauses and provisions necessary for government procurements, as well as a Provision and Clause Matrix which identifies all required clauses and provisions that are necessary or optional for each contract type.

Furthermore, FAR Part 53 includes an extensive library of necessary forms and information in a very reader friendly format. Though the FAR is detailed and often criticized, it does provide an incredible resource for determining how the government acquires goods and services.

For more information on the FAR please see the following site: <u>https://www.acquisition.gov/</u>.

FAR quick reference:

Sub-chapter A:	Sub-chapter E:
General	General Requirements
Part 1-4	Part 27-33
Sub-chapter B:	Sub-chapter F:
Acquisition Planning	Special Categories of Contracting
Part 5-12	Part 34-41
Sub-chapter C:	Sub-chapter G:
Contracting Methods &	Contracts Management
Contract Types Part 13-18	Part 42-51
Sub-chapter D:	Sub-chapter H:
Socioeconomic Programs	Clauses & Forms
Part 19-26	Part 52-23

Provision Types

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Provision: a written term or condition used only in SOLICITATIONs and applying only before contract award. FAR 52.101.

Clause: a term in the contract.

Provision or Clause	P or C
52.202-1 Definitions	С
52.203-2 Certificate of independent price determination	Р
52.203-3 Gratuities	c
52.203-6 Restrictions on subcontractor sales to the government	c
52.203-11 Certification and disclose regarding payments to influence certain federal transactions	Р
52.203-18 Prohibition on contracting entities that require certain internal confideniatlity agreements or statements representation	Р
52.204-17 Ownership or control of offeror	Р
52.204-19 Incorporation by reference of representation and certification	с
52.204-20 Predecessor of offeror	Ρ
52.204-21 Basic safeguarding of covered contractor information systems	с
52.204-24 Representation regarding certain telecommunications and video surveillance services or equipment	Ρ
52.204-25 Prohibition on contarcting forcertain telecommunications and video surveillance services or equipment	с
52.204-26 Covered telecommunications equipment or services-representation	Р

Understanding different contract vehicle types

Contract vehicles make it easier for the government to buy goods and services from suppliers by essentially streamlining the way they handle repeated purchases.

Contract vehicles simplify the buying process by ensuring the terms, prices, and conditions of a purchase are already set.

Government Wide Acquisition Contracts (GWACs) and Muliple Agency

Typically an **Indefinite Delivery-Indefinite Quantity (IDIQ)** Contract established by one government agency with multiple vendors but can be used by other agencies to obtain.

Blanket Purchase Agreements (BPAs)

Simplified acquisition method that fills anticipated repetitive needs for supplies or services via issuance of call/task orders. **Usually awarded to multiple vendors under a GSA schedule.**

Single Award IDIQ Contract or BPA

An IDIQ awarded to only one vendor after competition; contractors are aware of this feature when competing. Scope of work is somewhat limited and integrally related. **Single award must be justified in writing.**

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GSA Schedules

GSA establishes long-term Government-wide contracts with commercial firms to **provide access to millions of commercial products and services at volume discount pricing.**

Understanding Grants vs Contracts

Grants

 Definition: Grants are typically financial awards given by federal agencies to support specific projects or initiatives. They are usually provided on the basis of merit and are not expected to provide a direct benefit to the government. **Purpose:** In higher education, grants are often used to fund scientific research, educational programs, infrastructure development, and community service projects. **The primary goal is to advance knowledge,** education, and public service.

Federal Contracts

Definition: Federal contracts are legally binding agreements where the higher education institution agrees to provide goods or services that directly benefit the government or fulfill a government need, often with more detailed specifications and conditions than grants. Purpose: These are used when the federal government needs to acquire something specific, such as research for a federal agency's specific project, technological innovation, or other direct services.

Funding Structure

Grants

 Flexibility: Grants generally offer more flexibility in terms of how the funds are used, as long as the expenditures support the overall goals of the grant project. Payment: Funding is typically provided upfront or on a reimbursable basis, based on projected costs associated with the grant activities.

Federal Contracts

 Specificity: Contracts require adherence to strict terms and conditions and typically have more detailed requirements regarding deliverables, timelines, and how funds are to be spent. Payment: Payment is often tied to the delivery of specific milestones or outputs. There can be penalties for late or non-compliance with the specifics of the contract.

Compliance and Oversight

Grants

Reporting: Grant recipients are required to provide periodic performance reports, financial statements, and final project reports to demonstrate how funds were used and to assess the outcomes of the funded initiative. Audits: Audits are focused on financial compliance and proper fund utilization according to the grant agreement.

Federal Contracts

Compliance: Contract compliance involves adherence to the Federal Acquisition Regulation (FAR), which includes detailed conditions on procurement integrity, labor standards, and other regulatory requirements.

Audits and Oversight: Contracts may involve more frequent and detailed audits and oversight by the contracting agency to ensure that the terms of the contract are being met, including the fulfillment of deliverables on schedule.

Risk and Reward

Grants

- Risk: The risk is generally lower as the primary expectation is the advancement of knowledge or public good rather than specific tangible products or outcomes.
- Reward: The reward is in the form of achieving research outcomes, educational advancements, or social benefits.

Federal Contracts

Risk: Higher risk due to stringent requirements and the potential penalties for non-compliance or failure to deliver as specified.

Reward: Besides financial compensation, successful completion of a contract **can lead to further** governmental engagements and enhances the institution's credibility and reputation in managing complex projects.

Prime/Subcontracting **Relationships**

Prime

In federal contracting, the prime contractor plays a pivotal role, holding the primary responsibility for the project's execution.

This entity enters into a direct contractual agreement with the federal government, ensuring the project meets all specified requirements, timelines, and regulatory standards.

The prime contractor manages the entire project lifecycle, including planning, execution, monitoring, and closing, while maintaining direct communication with the federal agency.

They are accountable for the overall project delivery, reporting progress, managing budgets, and adhering to compliance standards.

Additionally, for contracts above certain thresholds, the prime contractor must develop and submit a subcontracting plan, detailing the involvement of small businesses and other disadvantaged business enterprises.

Subcontracting

Subcontractors, on the other hand, are hired by the prime contractor to perform specific tasks or provide specialized services that contribute to the broader project.

They do not have a direct contractual relationship with the federal government but are instead governed by agreements with the prime contractor.

Subcontractors bring their expertise and resources to the project, handling portions of the work that the prime contractor either cannot perform or chooses to outsource.

They must meet the performance standards, timelines, and regulatory requirements set forth by the prime contractor, ensuring their work integrates seamlessly with the overall project.

While subcontractors are primarily accountable to the prime contractor, their compliance with federal regulations is also scrutinized by the federal agency through the prime contractor's oversight.



HBCU Funding Sources

HBCUs have a range in niche skills and capabilities that stretch beyond R&D and can be used on primeand subcontracts.

The following funding methods can be used for HBCUs:

- OTAs
- Blanket Purchase Agreements (BPAs)
- Sole-source
- Set-asides
- Contracts
- Grants



01 Other Transaction Authority (OTA)

Other transaction authority (OTA) was developed for flexibility in cutting edge research and technologies, and is not designated as contracts, grants, or co-operative agreements.

OTAs have been successful in opening the landscape for groundbreaking research in technologies for the federal government.

An appeal to OTAs is the speed for which they are awarded versus contracts and other Federal Acquisition Regulation (FAR) agreements.

As a result of OTAs agile and flexible agreements, a contractor may see a decrease in the resources typically used to execute a traditional agreement.

OTAs are agreements made between parties that are legally binding but are not required to comply with FAR or other laws applicable exclusively to procurement contracts.

Additionally, OTAs are exempt from the Freedom of Information Act (FOIA) for five years.

OTAs should be solution focused and must be in a niche area. The agreement should have measurable milestones and be designed with flexibility as opposed to being contract specific.

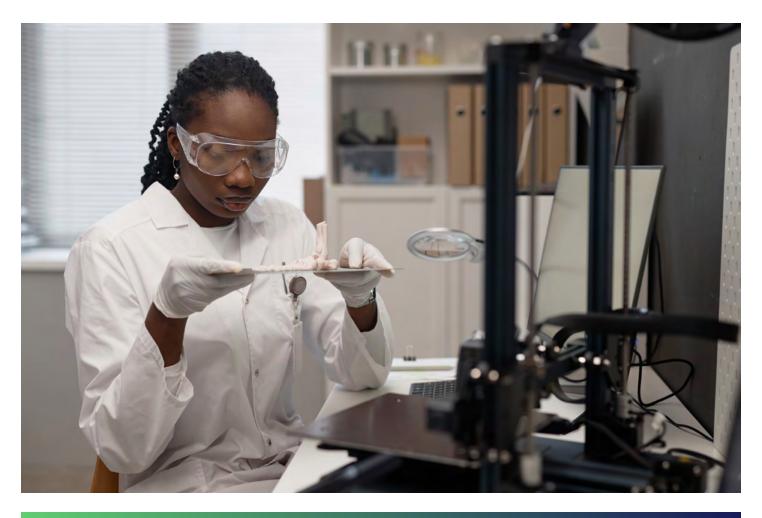
Business processes may be a concept if considered innovative.

Prototypes typically will not see a production OTA in DOD because of the funding structure.

All OTAs submitted must be marked proprietary. If an OTA is accepted, a non-traditional contractor should be sourced immediately. Please note that OTAs are typically funded in increments and it is possible for an agreement to be terminated due to lack of or change in funding.

There are two main types of other transactions (OT) used within an OTA which include prototype projects and research.





Prototype OT

In DOD, prototypes must have direct correlation to improving mission effectiveness of military personnel and supporting platforms, systems, components, or materials.

A prototype may be physical, virtual, or conceptual in nature.

According to DHS, prototypes are used to carry out projects to evaluate the technical or manufacturing feasibility of a particular technology, process, or system and require a deliverable (i.e., prototype(s)) that satisfies an existing agency need.

Each military service has authority to execute OTs up to \$250M, and there are no limits on how many OTs may be executed by the services or the cumulative value of such awards.

Beyond the \$250M threshold for individual OTs, USD (AT&L) must provide authorization to proceed.

There is no limit to the number or dollar value of OTs that the DOD may execute in the aggregate.

While OTs for prototypes should be competitively awarded, no specific competitive procedures are prescribed by law and sole source OTs may be permitted.

The Competition in Contracting Act (CICA) does not apply to OTs for prototypes, and as such, protests are not usually a factor.





Research OT

Research OT is one of the most common types of OTs germane to basic, applied, and advanced research projects.

Research OTs do not comprise the authority for a transition into production contracts.

Non traditional defense contractors (NTDC) may be used in research OTs in the interest of protecting intellectual property and compliance of Cost Accounting Standards (CAS). Research OTs can be used to execute Technology Investment Agreements (TIAs) when the government seeks to retain intellectual property rights that deviate from the Bayh-Dole Act (35 U.S.C.

Chapter 18 and 37 CFR Part 401) which permits a university, small business, or non-profit institution to pursue ownership of an invention made using government provided funds. **TIAs require cost sharing.**



Currently, eleven federal agencies are authorized to execute agreements for **OTAs with each** providing their own guidance on usage:

Advanced Research Projects Agency – Energy (ARPA-E)

Department of Defense (DoD)

Department of Energy (DOE)

Department of Health and Human Services (HHS)

Department of Transportation (DOT)

Domestic Nuclear Detection Office (DNDO)

Federal Aviation Administration (FAA)

National Aeronautics and Space Administration (NASA)

National Institute of Health (NIH)

Transportation Security Administration (TSA)

OTAs are executed by the usage of:

- A NTDC
- Nonprofit research institution that proves significant participation in the agreement
- ☑ By cost share in which the contractor pays for one third of the project.

HBCU Funding Resources

Contracts

Government contracting typically involves a competitive bidding process to serve a government agency as per the contract state of work and government requirements.

Government contracts are FAR based contracting strategies that can be implemented by HBCUs.

Contracts may be single award or multiple award. Specific details of statement of work are critical in contract bidding and negotiation.

The contractor will be required to uphold the details within the agreed contract.

The main contract holder is noted as the prime contractor. Contracts are legally binding, awarded based on stated evaluation factors, involve government oversight and control, and may include deliverables.

Subcontracting

The prime contractor may include subcontractors as required by federal regulation or to ensure all aspects of the contract are met to the standards as stated.

A subcontracting plan may be required to ensure measurable and attainable goals are outlined.

The contracting officer (CO) can help with this phase.In 2014, the FAR removed the statutory requirement of classifying HBCU as SDB.

However, recently some agencies allow HBCUs to be counted toward SDB goals in accordance with the small business subcontracting or participation plan requirement.

The determination to count HBCUs as SDBs will need to happen in the early RFP phase and/or QA period by the CO.

Rates:

HBCU rates, as with other higher education institutions will determine rates based on faculty salaries necessary to complete the contractual or agreements requirements.

Rates should be funneled through procurement before determining and before entering into a contract or agreement. Procurement will define the rate schedule.

BPAs

Blanket Purchase Agreements (BPA) entail a repetitive need or service being sourced by establishing a charge account below the Simplified Acquisition Threshold (SAT) as stated in FAR 13.303.

Common applications of BPA include software licenses, IT software and products, R&D, engineering services, and special studies.

BPAs may be a single award or multiple award.

Non-traditional Contractor

The DOD categorizes contractors as traditional or nontraditional to determine cost-sharing requirements.

NTDC are recognized by not performing work on a DOD contract or subcontract that was subject to full CAS within the preceding year as defined in 10 U.S.C. § 2302(9).

HBCUs may be designated as a NTDC depending on contracting requirements and needs from prime contractor.

NTDCs can also be linked to OTAs. Supplies and services provided by non-traditional contractors are considered commercial items and are therefore priced accordingly with the contractor following commercial guidelines for employment.

Sole-source

Contracts that are issued without a competitive bidding process are known as sole-source contracts and may be designated as such per head of agency noted in 10 U.S. Code § 2304.

Sole source contracting would occur if the agency determines the contractor is the only one whom can meet their needs and/or requirements.

Identifying and maintaining record of HBCU niche areas within the needs assessment and quarterly assessments would be pertinent in determining whether a sole-sourced contract would be viable.

IDIQ

Indefinite Delivery, Indefinite Quantity (IDIQ) contracts are typically used when the agency is unsure of the quantities above a specified minimum and under a specified maximum needed of a service or product during a contract term, and instead enters a contract that allows for an indefinite quantity of service for the fixed time of the contract.

IDIQs are most often used with engineering services or service contracts.

Contracts may be single award or multiple award may apply across Government-wide Acquisition Contracts (GWACs) and Multi-Agency Contracts (MACs).

White Papers

White papers can be created at the discretion of the HBCU to submit to clients based on applied research, technology advancements, and statistical information on solving client's needs and mission.

The longer-term intent of white papers is to go to commercialization with a product or solution.

SBIR/STTR

According to the SBA:

HBCU/MSI may participate in the Small Business Innovative Research (SBIR) program as a subcontractor to a small business by providing R&D resources such as labs, interns, and other resources.

HBCU/MSI can participate in the Small Business Technology Transfer (STTR) program by entering into an agreement with a small business to conduct applied R&D on topics identified in the program.

Under the STTR program, the Principal Investigator (PI) may be an employee of the HBCU/MSI research institute.

Rapid Innovation Fund (RIF)

The Rapid Innovation Fund (RIF) within DOD was developed to bridge the gap of emerging technology and market-ready technology by providing time and funding to mature technology.

RIF uses TRL to determine eligibility and works through four processes:

Planning
 White paper
 Proposal
 Award.

Additionally, RIF provides funds to transition research to Programs of Record (PORs) for small business and potential HBCUs through Small Business Innovation Research and Small Business Technology Transition phase I/II to phase III.

Commercial Solution Openings (CSO)

Commercial Solution Openings (CSO) is described by the Federal Acquisition Institute (FAI) as a pilot authority for sourcing innovative commercial solutions and can be implemented as FAR or Non-FAR.

The objective of CSO is to reduce barriers and raise incentives for advanced government solutions.

Grants

Grants are another funding method for HBCUs. Typically, a grant is supportive to R&D that serves public good, involves limited government oversight and control, may include a broad criterion of inclusions and reporting.

Grant opportunity eligibility can be designated to HBCUs exclusively, open to all higher education institutions, or may even include an array of different organizations in addition to higher education.

Grants will be monitored for new opportunities that fit the needs of the HBCUs within the program.

Additional Resources

There are several agreements that are not related to FAR. While OTAs are one of these instances, Cooperative Research and Development Agreement, Partnership Intermediary Agreement (PIA), and Technology Investment Agreement are some other key agreements. Cooperative Research and Development Agreement (CRADA).

Cooperative Research and Development Agreement (CRADA)

CRADA allows federal labs to develop agreements with other federal agencies, state/ local government, industry, non-profits, and universities for licensing agreements for lab developed inventions or intellectual property to commercialize products or processes originating in federal labs.

These agreements are typically built on Research Development & Demonstration (RD&D). The Navy Research Lab (NRL) and Army Research Lab (ARL) participate in this type of agreements. **Under this agreement, the government does not contribute funds but will allocate a variety of other resources (see 15 U.S.C. §3710a).**

Partnership Intermediary Agreement (PIA)

PIAs involve contract, agreement, or MOU with nonprofit partnership intermediary to **engage academia and industry on behalf of government to accelerate tech transfer and licensing.**

While this agreement may be challenging and complex to establish, it enables the government to pay for services that support technology transfer.

The restrictions for this agreement establish partnership intermediary, means an agency of a state or local gov, or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local Government, that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms and institutions of higher education. (see 15 U.S.C. §3715).

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Technology Investment Agreement (TIA)

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To expand on TIAs introduced when discussing research OTs, a TIA is an instrument used to stimulate or support commercial firm involvement in pursuing best technologies for defense research.

TIAs are appropriate when research objectives are unlikely to be achieved using other types of contract instruments. TIAs may be executed as a cooperative agreement or a type of assistance transaction other than a grant or cooperative agreement, such as a Research Other Transaction (OT) – 10 U.S.C. \S 2371.

TIAs require a knowledgeable CO to negotiate and execute as well as delegated authority from SECDEF or Service Secretary in addition to cost sharing (see 32 CFR Part 37).

Technology Readiness Level (TRL)

Determining technology readiness is imperative in HBCU evaluations.

Technology Readiness Level (TRL) is a systematic metric/measurement system that assesses the maturity level of a particular technology. It was originally developed by NASA in the 1970s and has since been adopted by various industries and organizations, including the Department of Defense and the European Space Agency. The TRL scale ranges from 1 to 9, with each level representing a different stage of development, from basic research to fully operational systems.

Key Points on the Importance of TRL for HBCUs:

1. Strategic Planning and Funding: Helps in planning research projects and securing funding by identifying the current stage of technology and necessary steps for advancement.

2. Enhanced Research Capabilities: Provides a structured approach to

Provides a structured approach to systematically advance research from basic concepts to fully operational technologies.

3. Collaboration Opportunities:

Facilitates partnerships with industry, academic institutions, and government agencies by clearly communicating technology maturity levels.

4. Innovation and Commercialization:

Offers a roadmap for moving technologies from concept to market, increasing the chances of successful commercialization.

5. Curriculum Development:

Prepares students for real-world R&D environments by teaching the importance of technology maturation.

6. Community Impact:

Enables the development of technologies that address specific community needs, improving local economies, healthcare, education, and quality of life.

TRL 9	Actual System "flight proven" through successful mission operations
TRL 8	Actual System completed and "flight qualified" through test and demonstration (ground or space)
TRL 7	System protoype demonstration in a space environment
TRL 6	System/subsystem mdoel or prototype demonstration in a relevant environment (ground or space)
TRL 5	Component and/or breadboard validation in relevant environment
TRL 4	Component and/or breadboard validation in laboratory environment
TRL 3	Analytical and experimental critical function and/or characteristic proof-of-concept
TRL 2	Technology concept and/or application formulated
TRL 1	Basic principles observed and reported

Key differences between procurement contracts and assistance instruments

Procurement contracts are goods and services acquired for the direct benefit of the government. Assistance instruments, such as grants and cooperative agreements, **carry out a public purpose of support and stimulation of fundamental** research and development projects.

Contracting means purchasing, renting, leasing, or otherwise obtaining supplies or services from nonfederal sources. Contracting includes description (but not determination) of supplies and services required, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration.

It does not include making grants or cooperative agreements. The Federal Acquisition Regulations System (FARS) is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies (FAR)

Chapter 2

Understanding Federal Contracts

Assessing Readiness and Capacity Get Registrations and ID Numbers Setting Up or Improving Administrative Offices Training and Development Capability Statements

This chapter provides crucial guidelines for higher education institutions to prepare adequately for federal contracting, ensuring they have the capacity, infrastructure, and trained personnel needed to manage these opportunities effectively.

Assessing Readiness and Capacity

To successfully manage federal contracts, an institution must first assess its readiness and capacity. **This assessment should cover several key areas:**

Resource Evaluation

Determine if the current staff, technology, and financial resources are sufficient to manage federal contracts.

Consider both the management of the contract and the execution of the project.

Process and Procedure Review

Review existing processes and procedures for contract management. Identify any gaps in compliance, reporting, and operational execution against federal requirements.

Risk Management

Assess the institution's ability to identify, manage, and mitigate risks associated with federal contracts, including financial, operational, and reputational risks.

Previous Experience and Performance

Analyze past experiences with federal contracts. Identify strengths and areas for improvement based on past performance and outcomes.

This phase should culminate in a detailed readiness report that outlines the institution's current status and what steps need to be taken to enhance capacity and readiness for federal contracting.



Get proper registrations and ID numbers

In order to sell goods and services to the government, you'll have to register the HBCU.

Unique Entity Identifier

Before bidding on government proposals, you must obtain a Unique Entity Identifier (UEI), a unique 12-character alphanumeric value. You will receive a UEI when you register with the System for Award Management (SAM) at SAM.gov. All entities doing business with the federal government must use the UEI created by the system. If your entity is already registered with SAM, your UEI has already been assigned. You can learn how to view your UEI within SAM at the Federal Service Desk.

If your involvement is limited to certain types of transactions, such as reporting as a subawardee, you may not need to complete full entity registration. In such cases, obtaining a UEI might suffice. Additionally, keep in mind that state and local governments often operate differently from the federal government and may have their own contracting opportunities. Your HBCU may need to register in additional portals or obtain extra identifiers when working with state and local governments.

NAICS code

You'll need to match your products and services to a North American Industry Classification System (NAICS) code. **NAICS codes classify businesses based on the products or services they provide.**

A business typically has a primary NAICS code but can have multiple NAICS codes if it offers various products and services. To find your NAICS code, you can view the NAICS code list at the U.S. Census Bureau.

To find your NAICS code, view the NAICS code list at the U.S. Census Bureau.

Register with SAM

To participate in government contracting, you must register your business in the federal government's <u>System for Award Management (SAM)</u>. SAM is a database that government agencies use to find contractors.

Your profile in SAM functions like a résumé. It is crucial to create an accurate and appealing profile to increase your chances of winning a government contract.

Use precise and descriptive terms about your business to ensure contracting officials can find you in search results.

Setting up or Improving Administrative Offices

Effective management of federal contracts requires robust administrative support. Institutions may need to set up a dedicated office or enhance the capabilities of an existing office, such as the Grants and Contracts Office.

Key considerations include:

Structural Design

Establish a clear organizational structure within the office that delineates roles and responsibilities for contract management, compliance, financial management, and reporting.

Technology Systems

Implement or upgrade technology systems to support

contract management activities, including document management, compliance tracking, and financial reporting systems.

Policies and Procedures

Develop or update policies and procedures that are specific to federal contracting. This should cover areas like contract review, approval processes, compliance checks, and conflict of interest policies.

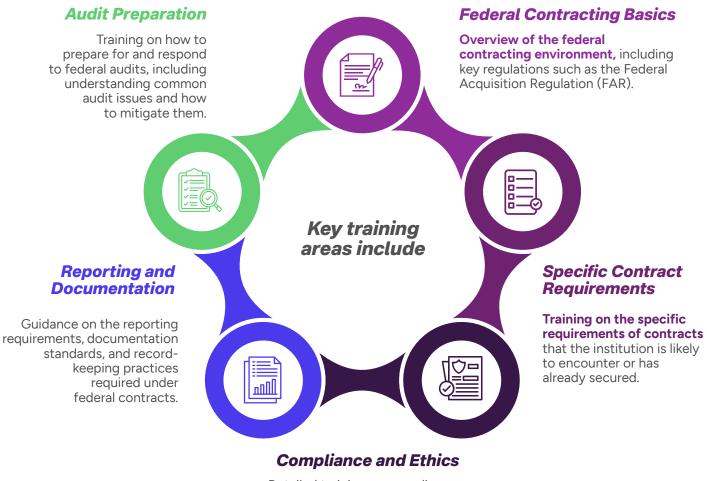
Communication Channels

Establish effective communication channels both within the institution and with federal agencies. This includes regular updates, reporting lines, and escalation processes.

Creating or enhancing an administrative office should focus on building a team and infrastructure capable of **supporting the institution's federal contracting activities efficiently and compliantly.**

Training and **Development**

Training and development are crucial to ensure that staff involved in managing federal contracts are equipped with the necessary knowledge and skills.



Detailed training on compliance requirements, ethical considerations, and the importance of **maintaining integrity in managing federal funds.**

Training programs should be regular and updated frequently to reflect changes in federal regulations and institutional policies. These programs can be conducted in-house, or the institution can partner with external experts and consultants to deliver specialized training.

Looking for trainings? Attend small business conferences and trainings if unable to find one specific to the HBCU and keep an eye out for federal agency HBCU matchmaking events. These events are designed to assist HBCUs build relationships with other businesses and institutions, as well as connect with other agencies. experts and consultants to deliver specialized training. Looking for trainings?

Attend small business conferences and trainings if unable to find one specific to the **HBCU and keep an eye out for federal agency HBCU matchmaking events.**

These events are designed to assist HBCUs build relationships with other businesses and institutions, as well as connect with other agencies.

Developing a Capability Statement

A capability statement is a tool that outlines an institution's capabilities, strengths, and past performance to potential federal clients and teaming partners.

This statement is critical to better understand how the HBCU may align to a specific opportunity. **Capability statements should be concise and typically no more than one page.**

1

Overview of the Institution

Introduction

Provide a brief introduction to the HBCU, including its history, mission, and uniqueattributes.

Contact Information

Clearly display the primary contact's name, phone number, email address, and the institution's physical address.

2

Core Competencies

Research & Academic Expertise

Highlight the HBCU's strengths in specific research areas and academic programs.

Specialized Services

Outline any unique services the HBCU offers, such as lab capabilities, consulting services, or community outreach programs.

Technical Expertise

Detail any technical skills, certifications, or advanced technologies the HBCU possesses.

3

Past Performance

Relevant Projects

List notable projects, particularly those funded by federal agencies, that demonstrate the HBCU's capability in delivering quality research and services.

Success Stories

Include brief case studies or testimonials from previous clients that highlight successful outcomes and the HBCU's impact.

Past Performance

When federal agencies review contracts, they may prioritize past performance with their agency.

If you're aiming to secure a contract but lack this experience, consider subcontracting with a business that can lead the contract.

Both large and small businesses frequently seek qualified partners to collaborate with. Additionally, **HBCU programs are commonly available through federal agencies and major prime organizations.**

For more details, reach out to the small business or supplier diversity offices at each agency or organization.

4

Differentiators

5

Identify Relevant NAICS Codes

Unique Strengths

Emphasize what sets the HBCU apart from other institutions, such as a diverse student body, specialized research centers, or unique geographical location.

Partnerships

Mention any strategic partnerships with industry, government, or other educationalinstitutions.

Research Areas

Start by mapping the HBCU's primary research areas to NAICS codes. For example, if the institution specializes in biomedical research, the relevant NAICS code might be 541715 (Research and Development in the Physical, Engineering, and Life Sciences).

Multi-Disciplinary Research

Recognize that the HBCU may need to align with multiple NAICS codes if its research spans various disciplines.

Chapter 3 The Bidding Process

Finding Federal Contracting Opportunities Proposal Writing Partnerships and Collaborations Soliciation Deep-Dive Pricing

Successfully navigating the bidding process is crucial for higher education institutions seeking federal contracts.

This chapter offers detailed guidance on finding opportunities, writing compelling proposals, and leveraging partnerships to enhance proposal strength.

Finding Federal **Contracting Opportunities**

Identifying potential federal contracting opportunities is the first step in the bidding process.

Here's how institutions can efficiently find these opportunities:





Utilize SAM.gov

This is the official U.S. government website that consolidates public procurement opportunities.

Institutions can use <u>SAM.gov</u> to search for federal contracts, register to receive contract alerts, and understand the requirements of each posting.

Agency Websites

Many federal agencies post contracting opportunities directly on their websites.

Regularly check the websites of agencies that align with the institution's research and service capabilities.



Networking and Conferences

Attend industry and government conferences, seminars, andnetworking events where potential contracting opportunities are often discussed.

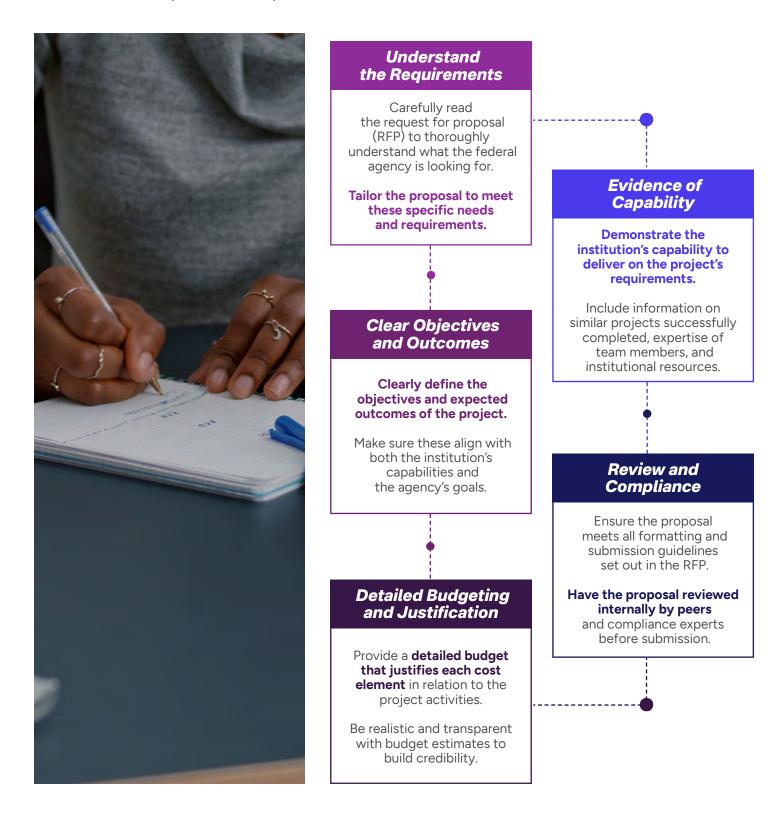


Subscription Services

Consider subscribing to specialized services that provide notifications and detailed analyses of upcoming federal contracting opportunities.

Proposal Writing

Writing a competitive proposal is essential to securing a federal contract. Here are some tips and best practices:



Partnerships and **Collaborations**

Forming strategic partnerships can significantly strengthen a proposal by combining resources, expertise, and credibility. Here's how to approach partnerships:

Identify Complementary Partners	Look for partners who offer complementary skills, resources, or market presence that can enhance the proposal. This could be other academic institutions, private companies, or non-profit organizations.
Develop a Value Proposition	When approaching potential partners, clearly articulate the value proposition.
	Explain how the partnership can benefit all parties, not just in terms of winning the contract but also in fulfilling it successfully.
Formalize Agreements	Develop formal partnership agreements that define the roles, responsibilities, and expectations of each party.
	This includes governance structures, resource sharing, and division of labor and profits.
Leverage Combined Networks	Utilize the networks of all partners to gain insights, additional resources, and further legitimacy in the eyes of the contracting agency.

Strategies for Forming Partnerships with Other Institutions, Industry, or Non-profits

By following these structured steps in the bidding process, higher education institutions can enhance their chances of successfully securing federal contracts, thereby expanding their research capabilities and contributing to their financial stability and growth.

Solicitation Deep Dive Sections of an RFP

Proposals come in many shapes and sizes. While many federal contracts are governed by the FAR or DFAR (defense) and have standard sections, State and Local contracts do not have a universal aoverning body. Be sure to read the solicitation and requirements carefully. Below are EXAMPLES of what the sections of an RFP may look like.

State and Local

State and local contracts vary. Below are two EXAMPLES of what the sections could look like.

Example 1

- 1. Introduction/Scope of Service
- 2. RFP Schedule
- 3. Response Requirements
- 4. General Contracting Information & Requirements
- 5. Evaluation & Contract Award

6. Attachments

- 1. Response Statement of Certifications & Assurance
- 2. Technical Response & Evaluation Guide
- 3. Cost Proposal & Scoring Guide
- 4. Reference Questionnaire
- 5. Score Summary Matrix
- 6. Pro Forma Contract
- 7. System Technical Architecture Assessment

Now, let's break this down with a few tips and common errors to lookout

for on the second example.

Example 2

I. Introduction

- A. Purpose/Background
- **B.** General Provisions
- C. Eligibility to Submit
- D. Contract Term

II. Scope of Services

III. Key RFP Events

- A. Questions B. Amendments
- C. Submission

IV. Proposal Submission

A. Proposal Format B. Proposal Content

V. Proposal Evaluation and Selection

- A. Evaluation Process
- **B.** Scoring Weights
- C. Selection & Award
- D. Appeal of Contract Award

VI.Contract Administration & Conditions

- A. Contract Document
- B. Standard State Agreement

Section	Tips	Common Errors
1. Introduction	Clearly state the intent of the RFP and the agency issuing it. Be concise and direct.	Being too vague or not providing enough context about the issuing agency and the purpose of the RFP.
a. Purpose/ Background	Provide a detailed background that aligns with the state or local needs. Reference specific statutes or regulations when applicable.	Failing to link the proposal's purpose with overarching governmental goals or missing relevant historical context.
b. General Provisions	Outline the fundamental rules governing the proposal and subsequent contract, such as compliance with laws and ethical standards.	Overlooking mandatory provisions like nondiscrimination clauses or data privacy standards.
c. Eligibility to Submit	Clearly define who can respond to the RFP, including any necessary qualifications or licenses.	Ambiguity in eligibility criteria, leading to unqualified submissions.
d. Contract Term	Specify the start and end dates, including any options for renewal.	Not specifying conditions under which the contract term might be extended or terminated early.
2. Scope of Services	Detail the specific services or deliverables expected. Use bullet points for clarity and ensure alignment with client objectives.	Being either too broad or too detailed, leading to confusion about expectations.
3. Key RFP Events	List important dates, such as submission deadlines, briefing sessions, and expected award dates.	Inconsistent or unrealistic timelines that don't allow for thorough proposal preparation and submission.

Section	Tips	Common Errors
a. Questions	Outline the process for submitting questions, including deadlines and methods (email, portal).	Not providing a clear point of contact or a deadline for when questions can be submitted.
b. Amendments	Explain the process for how the RFP might be amended and how amendments will be communicated to bidders.	Failing to specify a method for tracking and confirming receipt of amendments.
c. Submission	Clearly state where, when, and how proposals should be submitted.	Vague submission instructions that can lead to disqualification due to non-compliance.
4. Proposal Submission	Reiterate key submission details and include any specific forms or certifications that must accompany the proposal.	Missing required documents or signatures that could lead to a proposal's rejection.
a. Proposal Format	Specify formatting requirements including font size, page limits, and file types.	Proposals not adhering to specified format, resulting in disqualification.
b. Proposal Content	List all sections and information that must be included in the proposal, such as executive summary, technical approach, and cost proposal.	Omitting required sections or information, weakening the proposal's effectiveness.
5. Proposal Evaluation and Selection	Describe the process for how proposals will be evaluated, and the criteria used for making the selection.	Lack of transparency about the evaluation process, leading to bidder confusion and potential challenges.
a. Evaluation Process	Provide detailed steps of the evaluation, including any review committees or external evaluations.	Not clearly defining the roles of evaluators, potentially causing conflicts of interest.

Section	Tips	Common Errors
b. Scoring Weights	Clearly allocate points or percentages to different sections of the proposal to guide bidders on what aspects are most important.	Imbalanced scoring that doesn't accurately reflect the priorities of the project.
c. Selection & Award	Outline how and when the winning bidder will be notified, and any next steps required.	Delays in notification or lack of clarity on award procedures.
d. Appeal of Contract Award	Provide a clear process for unsuccessful bidders to appeal the decision.	Not specifying a clear appeal process, which can lead to legal challenges.
6. Contract Administration & Conditions	Detail the administrative processes and conditions for managing the contract, including reporting requirements and oversight mechanisms.	Overlooking key administrative details that ensure contract compliance and performance.
a. Contract Document	Include a draft contract or key contractual clauses that will need to be agreed upon.	Incomplete contracts or clauses that are open to misinterpretation.
b. Standard State Agreement	Attach or reference the standard agreement template if one is used by the state or locality.	Assuming all bidders are familiar with the standard state agreements without providing sufficient information or resources.

By addressing these tips and watching out for common pitfalls, your proposal sections will be well prepared, comprehensive, and **aligned with state or local government contracting requirements.**

Federal **RFP**

Section	Tips	Common Errors
1. Schedule	Ensure the schedule is realistic and aligns with the client's expectations and your capacity.	Underestimating the time needed for tasks, leading to unrealistic timelines.
a. Solicitation/ Contract Form	Review the form thoroughly to ensure all required information is accurately filled.	Overlooking minor details like solicitation numbers or incorrect dates.
b. Supplies or Services & Prices or Costs	Clearly define the scope and breakdown of costs associated with each service or supply.	Failing to include all potential costs, leading to underbidding.
c. SOW/SOO /PWS	Be precise and detailed in describing what is expected as deliverables.	Vague descriptions that can lead to scope creep.
d. Packaging & Marking	Adhere to specific packaging instructions and labeling as required by the solicitation.	Non-compliance with packaging standards.
e. Inspection & Acceptance	Understand the criteria for inspection and the process for acceptance.	Assuming standard inspection procedures; each contract may have unique requirements.
f. Deliveries or Performance	Clearly state delivery timelines, locations, and modalities.	Misalignment of delivery schedules with client's expectations or capabilities.
g. Contract Administration Data	Ensure all contact details are correct and roles and responsibilities are clearly defined.	Outdated or incorrect administrative data.
h. Special Contract Requirements	Pay special attention to any special requirements that are not standard to most contracts.	Overlooking or misinterpreting special requirements.

Section	Tips	Common Errors
2. List of Clauses	Ensure you include all relevant clauses as required by the federal regulations and the specific contract.	Omission of required clauses.
a. Contract Clauses	Tailor standard clauses to the specifics of the project where necessary.	Using generic clauses that do not cover specifics of the contract.
3. List of Attachments	Confirm every referenced document is listed and attached.	Missing attachments leading to incomplete proposals.
4. Representations and Instructions	Accurately represent your organization's capabilities and follow the instructions for proposal submission meticulously.	Non-compliance with specific representation requirements and submission instructions.
a. Reps & Certs	Ensure all representations and certifications are current and truthful.	Using outdated or incorrect certifications.
b. Instructions	Follow the instructions exactly as stated for formatting, content, and submission.	Overlooking parts of the instructions that detail proposal structuring or required formats (pay attention to page limitations and font size).
c. Evaluation Factors	Understand and address all evaluation factors directly in your proposal.	Not directly addressing each evaluation criterion.

This streamlined version **focuses purely on practical tips and the pitfalls to avoid** in each section of your federal contracting proposal.

Common Sections

Why is it important to read the entire RFP?

Content tends to be buried in places it wouldn't normally be found

Statement of project/service/work

- Requirements and work to be done
- Typically broken into tasks
- May include Quality Assurance (QA) Plans

Instructions to Offerors/ Proposal Submission Requirements

- Instructions for how to respond to RFP
 - Volume content and structure requirements (technical, business, past performance/references)
 - Volume requirements (e.g., # of pages, font)
 - Submission requirements (electronic or hard copy)
- May include level of effort estimate

Proposal Evaluation

- Criteria used by the panel to assess proposals and select the winning bid
- Factors may include Past Performance/ References, Pricing Proposal, Technical Proposal, etc.
- Criteria may include Technical Rating Standard





Pricing

Federal Acquisition Regulations (FAR)

It is essential for HBCUs to familiarize themselves with FAR to ensure their pricing and other contractual aspects are compliant.

This includes understanding how costs are classified (direct vs. indirect, allowable vs. unallowable).

Resource: Acquisition.GOV

provides the full text of FAR and a wealth of other contracting resources.

Develop a Cost Accounting System

An effective cost accounting system is crucial for accurately tracking and allocating costs.

This helps in determining appropriate pricing for services by ensuring that all costs incurred are accounted for and properly documented.

Potential Software Recommendations

QuickBooks: Widely used for its user-friendly interface and comprehensive features that cater to accounting needs, including cost allocation and financial reporting.

Software must be validated by the Goverment. Check software requirements as additional plugins or approvals may be needed. **Deltek Costpoint:** A more robust system that offers extensive features tailored for government contractors, including project accounting, compliance, and more detailed financial management.

Consider Indirect Costs

Indirect costs (e.g., administrative expenses, facility costs) should be included in the pricing model.

HBCUs should develop an indirect cost rate proposal and submit it to the cognizant federal agency for approval.

Resource: <u>The Council On Governmental</u> <u>Relations</u> (COGR) provides guidance and workshops on how to handle indirect costs in federal contracts and grants.

Market Research

Conduct market research to understand the competitive landscape and pricing norms within the industry.

This will help in setting competitive and reasonable prices that align with market standards.

Resource: U<u>S Small Business Administration (SBA)</u> offers tools and guidance on market research strategies specifically tailored for small businesses and institutions entering federal contracting.

Pricing Cont.

Finding old proposal pricing for federal contracts can be a valuable resource for preparing competitive bids. **Here are some key resources where you can find historical pricing information:**

Resource	Overview	Usage	Access
Federal Procurement Data System (FPDS)	FPDS is a comprehensive database of government contracting information. It contains detailed data on federal contracts, including awarded amounts, contract modifications, and contractor details.	Use the search function to look up contracts by various criteria such as NAICS codes, agency, contractor name, and date range. The data can provide insights into historical pricing for similar contracts.	You can access FPDS through the FPDSNG (Next Generation) website: <u>https://www.fpds.</u> gov/
USAspending.gov	USAspending.gov is a searchable database that tracks federal spending, including contracts, grants, and loans. It provides detailed information on government expenditures.	Use the search and advanced search features to find specific contracts and view details on awarded amounts, contractor information, and contract descriptions. You can filter resultsby various criteria, including NAICS codes and agencies.	Visit <u>https://www.</u> <u>usaspending.gov/</u>
Government Accountability Office (GAO)	The GAO provides reports on government procurement and contracting practices, which sometimes include pricing information.	Search for reports related to your area of interest. While not always containing specific pricing data, these reports can provide context and benchmarks.	Visit <u>https://www.</u> <u>gao.gov/</u> and use the search function to find relevant reports.
Freedom of Information Act (FOIA) Requests	FOIA allows you to request access to federal agency records, including contract information that might not be publicly available.	Be specific in your request to improve the chances of obtaining useful information. You might request copies of past contracts, awarded proposals, or pricing details for specific contracts.	Submit a FOIA request to the relevant federal agency. Each agency has its own FOIA office and submission process, usually detailed on the agency's website.

Price-to-Win Analysis

Perform a price-to-win analysis to determine the price point at which you can win the contract while still making a reasonable profit.

This involves analyzing competitors' pricing, understanding the buyer's budget, and aligning your pricing strategy accordingly.

Engage with Procurement Technical Assistance Centers (PTACs)

PTACs offer free assistance to entities looking to engage in federal contracting. **They can provide personalized guidance** on pricing strategies, compliance, and other aspects of federal contracts.

Resource: <u>APTAC</u> (Association of Procurement Technical <u>Assistance Centers</u>) can help locate a PTAC near you.

Continuous Learning and Compliance

Stay updated on new regulations and changes in federal procurement policies. Regular training and compliance checks are essential to maintain good standing as a federal contractor.

Resource: Federal Acquisition Institute (FAI) provides training and resources for acquisition professionals.

By leveraging these resources and tools, **HBCUs can effectively navigate the complexities** of pricing in federal contracts, ensuring compliance and competitiveness in the federal marketplace.

Chapter 4 Contract Management

Award Administrationtion Risk Management adn Quality Assurance Managing Disputes and Contract Modifications

Effective contract management is critical to the successful execution and completion of a federal contract.

This chapter outlines the essential aspects of award administration, compliance and audit preparation, and reporting requirements.

Award Administration Key Aspects of Contract Administration from Award to Closure

Managing a federal contract from award to closure involves several key stages, **each requiring careful attention and management:**

Organize a kickoff meeting with all key stakeholders to align on Contract contract objectives, timelines, and roles. This sets the stage for Kickoff smooth execution. Implement robust projectmanagement practices, including detailed **Project** project plans, regular status meetings, and effective communication Management channels. Use project management software to track progress against milestones and budget. Federal contracts may require adjustments or modifications due Change to changing circumstances. Establish a **clear process for managing** 3 Management change requests, including how to negotiate changes with the contracting officer. Develop and maintain guality assurance processes to ensure that all Quality Assurance 4 deliverables meet or exceed the requirements specified in the contract. Begin preparing for contractcloseout well before the project ends. Contract Ensure all contractual obligations have been met, final deliverables 5 Closeout are accepted, and any remaining payments are processed. Document lessons learned for future contracts.

Compliance and Audits

Compliance with federal regulations is non-negotiable and **requires meticulous attention:**



Understand Federal Regulations

Regularly review and understand relevant federal regulations, such as **the Federal Acquisition Regulation (FAR)** and agency-specific regulations.

Ensure all team members are aware of these requirements.



Compliance Checks

Implement regular **compliance checks to ensure all aspects of the contract** are being managed in accordance with federal laws and regulations.

This should include financial compliance, labor standards, and ethical conduct.

Audit Preparation

Maintain thorough and **organized records to** expedite the audit process.

Prepare a standard procedure for responding toaudit requests, including designated personnel for handling audits.



Common Compliance Issues

Consider subscribing to specialized services that provide notifications and **detailed analyses of upcoming federal contracting opportunities.**

Overview of Typical **Reporting Requirements**

Timely and accurate reporting is crucial for maintaining transparency and fulfilling contractual obligations:

Understand Reporting Requirements

Familiarize yourself with the specific **reporting requirements outlined in the contract.**

These can include financial reports, progress reports, and final reports detailing project outcomes.

Timely Submissions

Adhere to the reporting schedules stipulated in the contract.

Late or inaccurate reporting **can result in penalties or damage the institution's reputation.**

Best Practices

Develop templates and standardized processes for report generation to **ensure consistency and accuracy.**

Utilize software tools to automate parts of the reporting process where possible.

Documentation and Record Keeping

Keep comprehensive records of all activities, communications, and financial transactions related to the contract.

Good documentation supports effective reporting and is invaluable during audits.



Risk Management and **Quality Assurance**

Effective risk management and quality assurance are critical components in the administration of federal contracts.

This chapter provides guidance on assessing risks, establishing robust quality control systems, and managing disputes and contract modifications efficiently.

Techniques for Identifying and Assessing Risks Associated with Federal Contracts

Risk assessment is a proactive process designed to identify and mitigate potential problems that could impact the successful completion of a federal contract:



Start by identifying potential risks that could affect the project. These can include financial risks, operational risks, compliance risks, and external risks like changes in government policy.



Risk Analysis

Analyze the likelihood and impact of each identified risk. This can be done using tools like risk matrices which help prioritize risks based on their potential impact and the probability of occurrence.



Mitigation Strategies

Develop strategies to mitigate identified risks. This might involve reallocating resources, adjusting project timelines, or enhancing compliance and monitoring activities.



Analyze the likelihood and impact of each identified risk. This can be done using tools like risk matrices which help prioritize risks based on their potential impact and the probability of occurrence.

Managing Disputes, Contract Modifications, and Negotiations

Disputes and modifications are common in federal contracts, and managing them effectively is crucial for maintaining good relationships with federal agencies and ensuring project success:

Dispute Resolution Mechanisms	Establish clear mechanisms for dispute resolution at the outset of the contract.
	This can include mediation, arbitration, or other forms of dispute resolution.
<i>Effective</i> <i>Communication</i>	Maintain open and effective communication with the federal agency throughout the contract.
	This helps in resolving issues quickly and efficiently before they escalate into disputes.
Handling Modifications	Be prepared to handle contract modifications, which may arise due to changes in scope, timelines, or government requirements.
	Develop a clear process for reviewing and approving modifications that includes assessing impacts on budget and timelines.
	There are two common types of modifications you may encounter:
	• Unilateral modifications: These are modifications proposed by you or the government, which do not materially affect the terms of the contract or are specifically authorized by the contract.
	• Bilateral modifications: These are modifications proposed by you or the government, which do materially affect the terms of the contract. Learn more about these modifications on <u>GSA.gov.</u>
Negotiation Skills	Equip team members with negotiation skills to handle discussions around contract modifications or disputes.
	Effective negotiation can help find a compromise that satisfies both parties and avoids the need for formal dispute resolution.

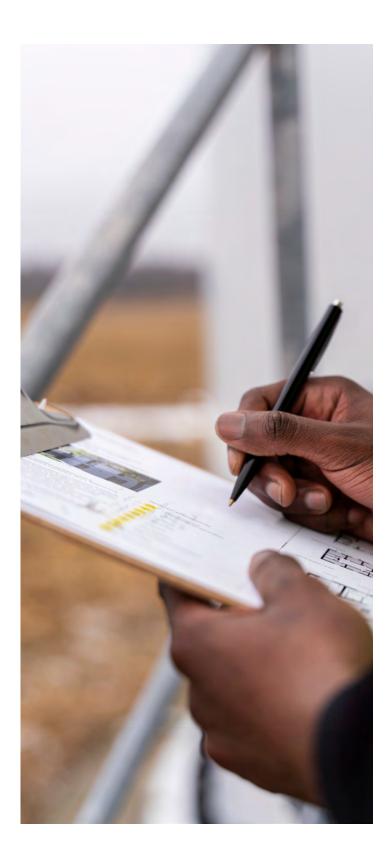
By implementing thorough risk management and quality assurance practices and by preparing to manage disputes and modifications effectively, **higher education institutions can ensure the smooth execution of federal contracts**, maintaining compliance and fostering positive relationships with federal agencies.

Chapter 5 Additional Tools and Resources

Definitions of Key Terms Checklists and Templates The Future of HBCUs in Federal Contracting Tips and Leading Practices Resources

This chapter provides a comprehensive resource guide, including a glossary of key terms used in federal contracting, a directory of helpful resources, and practical checklists and templates to streamline the contracting process.

Definitions of Key Terms Used in Federal Contracting



Understanding the terminology used in federal contracting is crucial for effective communication and compliance. Here are some key terms:

Federal Acquisition Regulation (FAR):

The primary set of rules in the Federal Acquisition Regulations System that governs the acquisition process by which the federal government purchases goods and services.

Request for Proposal (RFP)

A document issued by a government agency when soliciting proposals for goods, services, or valuable assets, detailing project specifics and requirements.

Contract Modification

Any written change in the terms of a contract.

Compliance

Adherence to laws, regulations, guidelines, and specifications relevant to the business or contract.

Audit

A systematic review or assessment of something, typically for financial accounts, to ensure compliance with regulations, laws, and standards.

Resource **Directory**

Navigating federal contracting can be complex, but several resources can provide guidance and support:

Websites





Council On Governmental Relations (COGR):

provides guidance and workshops on how to handle indirect costs in federal contracts and grants.

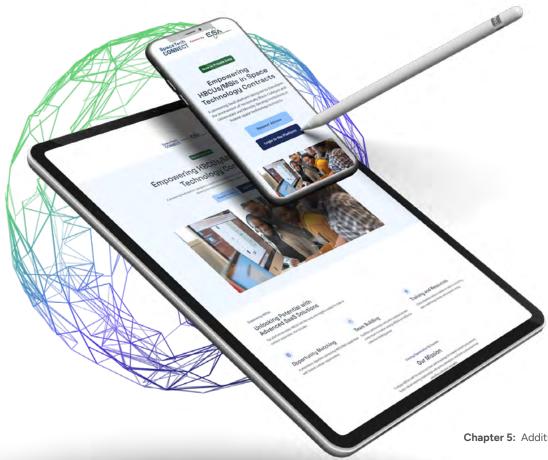
SBA.gov: offers tools and guidance on market research strategies specifically tailored for small businesses and institutions entering federal contracting.



Fpds.gov: Federal Procurement Data System (FPDS) contains detailed data on federal contracts, including awarded amounts, contract modifications, and contractor details.



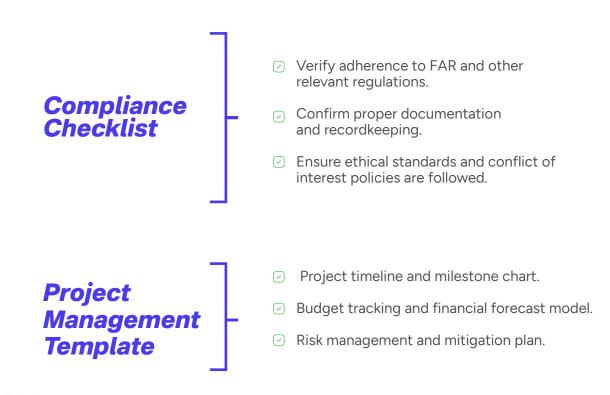
USAspending.gov: is a searchable database that tracks federal spending, including contracts, grants, and loans. It provides detailed information on government expenditures.



Checklists **and Templates**

To aid in the management and execution of federal contracts, **the following checklists and templates can be invaluable:**

- Proposal Development Checklist.
- Ensure alignment with RFP requirements.
- Review budget accuracy and completeness.
- Check compliance with submission guidelines.



These tools are **designed to ensure that all aspects of federal contracting**—from proposal preparation to project management are handled efficiently and in compliance with federal standards.

The Future Federal Contracting for HBCUs

For Historically Black Colleges and Universities (HBCUs), navigating the evolving landscape of federal contracting presents both unique challenges and substantial opportunities.

As these institutions often operate at the intersection of academia and social change, they are well-positioned to benefit from federal initiatives aimed at promoting diversity, equity, and inclusion.

Moving forward, HBCUs should prepare for shifts in federal priorities that may favor projects aligned with these themes, as well as adapt to increasing demands for technological integration and data transparency in contract management.

Moreover, as accountability in federal spending intensifies, HBCUs will need to enhance their systems for compliance and reporting.

This includes preparing for more detailed audits and adopting more sophisticated project management tools to ensure efficiency and effectiveness in meeting contract deliverables.

Encouragement to Engage

For HBCUs, engaging in federal contracting is not just an opportunity—it's a strategic imperative to enhance institutional capabilities and expand their impact.

The benefits extend beyond financial gains; they include building stronger research programs, enhancing educational offerings, and contributing more profoundly to public policy and community development.

While the process may initially seem daunting, the potential rewards are immense.

Federal contracts can provide critical resources that enable HBCUs to lead in innovation and serve their communities more effectively.

Additionally, these engagements can elevate the stature of HBCUs, opening doors to more partnerships and larger projects.

We strongly encourage HBCUs to actively seek out federal contracting opportunities.

Initiating partnerships with entities experienced in federal contracts can provide valuable learning opportunities and growth. By leveraging the tailored resources and strategic insights provided in this guide, HBCUs can develop the necessary infrastructure to successfully manage and execute federal contracts.

Embark on this journey with the confidence that federal contracting offers a pathway to not only sustain but significantly enhance the mission and reach of your institution.

This is a chance to amplify the unique voice and capabilities of HBCUs, driving forward the dual engines of educational excellence and community transformation.

Embrace these opportunities, and let them propel your institution to new levels of success and recognition in the broader academic and societal arenas.

Tips and Leading Practices to Working with Industry and Government

Non-Disclosure Agreements (NDA) and Teaming Agreements (TA)

Talk with your institutional leadership to ensure a smooth process for executing NDAs and teaming agreements.

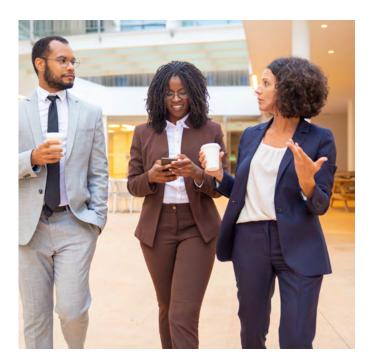
An NDA will be issued for each specific proposal.

- What is your current process and is there room for improvement?
- Do you have a process for signing NDAs and TAs during winter and summer breaks?

When working with large primes, there may not be a lot of wiggle room in the teaming agreement.

Understand what is needed to protect your institution as non negotiables and where you can lean in to ensure successful collaboration.

Additionally, each prime may have andifferent vendor process and cost system for submitting invoices.



Publishing Barriers

There are times when publishing for research will be restricted due to the work being performed on the contract.

Below are a couple successful recommendations from HBCUs on navigating this situation.

- We design Decision Logic Tables (DLTs) that are "restricted contract" specific. The DLTs is used for methodologically vetting the resource through each restriction.
- Obtain permission from funding agencies as required by the funding agreement.

Resources Department of Defense (DoD)

The Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)) serves as the primary advisor to DoD leadership on all matters pertaining to the Department's Research and Engineering enterprise, technology development and transition, developmental prototyping, experimentation, and administration of testing ranges and activities.

The OUSD(R&E) works closely with the Military Services, Combatant Commands, industry, academia, and other stakeholders **to ensure that the Department's science and technology strategy addresses the key national security challenges.**

The DoD has various websites to assist HBCUs in conecting with the Department.

Provided is not an exhaustive list of websites rather key websites that may be useful to the HBCU community in doing business with DoD. The OUSD(R&E) established 14 critical technology areas that detail the Department's vision on technical investments.

HBCUs should review the critical technology memorandum to learn the Department's priorities and assess their capabilities to determine alignment to the defense mission.

Provided is the website to access more information on the critical technology areas.

A request to access USD(R&E) technology roadmaps for the critical technology areas, may be requested through the same website.

- O Department of Defense: <u>www.defense.gov</u>
- DoD HBCU/MI Program: <u>https:/basicresearch.</u> <u>defense.gov/Programs/HBCU-MI-Program/</u>
- USD(R&E): https://www.cto.mil/
- Army HBCU/MI: <u>https://www.hbcumiresearch.</u> <u>army. mil/</u>
- Navy HBCU/MI: <u>https://www.nre.navy.</u> <u>mil/work-withus/funding-opportunities/</u> <u>fiscal-year-fy-2025-department-navy-don-</u> <u>historically-black</u>





Air Force Research Laboratory

The Air Force Research Laboratory is the primary scientific research and development center for the Department of the Air Force.

AFRL plays an integral role in leading the discovery, development, and integration of affordable warfighting technologies for our air, space, and cyberspace force.

With a workforce of more than 12,500 across nine technology areas and 40 other operations across the globe, AFRL provides a diverse portfolio of science and technology ranging from fundamental to advanced research and technology development.

For more information, visit: https://fresearchlab.com/

HBCU UARC

In January 2023, the HBCU University Affiliated Research Center (UARC) in tactical autonomy was awarded to Howard University, becoming the DoD's 15th UARC and the first UARC led by an HBCU.

The UARC represents a \$90 million investment in Howard University and its eight consortium partners over a five-year period of performance.

The Tactical Autonomy UARC conducts research to advance machine learning algorithms and artificial intelligence systems for tactical autonomy and to develop trustworthy, real-time, reliable and intelligent large-scale, multi-agent heterogeneous systems.

Mission

The Air Force Research Laboratory leads the discovery, development and integration of affordable warfighting technologies for our air, space and cyberspace forces.

Vision

The Air Force Research Laboratory defends America by unleashing the power of innovative air, space and cyber technology.

Partner with AFRL

Innovation does not happen in a vacuum. We collaborate with higher education to build upon each other's discoveries to accelerate our innovations.

https://afresearchlab.com/partner-with-us/ highereducation/

The UARC leverages basic and applied autonomy research to enhance training and the STEM pipeline.

The partners include the following eight HBCUs: Bowie State University, Delaware State University, Florida Memorial University, Hampton University, Jackson State University, Norfolk State University, Tuskegee University, and Tougaloo College.

The press release is available here:

https://www.defense.gov/News/News-Stories/ Article/Article/3275321/howard-university-willbe-lead-institution-for-new-research-center/

Additional DoD Resources

The DoD HBCU/MI Program Office conducts in-person and webinar events with the purpose of expanding awareness of DoD opportunities.

The workshops and webinars provide a platform for information exchange and networking. A primary objective is to encourage greater participation by HBCUs/MIs in the DoD's initiatives to support national security functions and the defense mission.

The in-person workshops are held annually, and they cover a variety of topics.

The following list shows several of the topics from past workshops, including the recent workshop that occurred July 25-26, 2024, in Arlington, VA.

- Details on specific Funding Opportunity
 Announcements
- DoD Critical Technology Areas and research priorities
- National Security Strategy and National Defense Strategy
- DoD cognizant offices and points of contact
- Tips on writing effective grant proposals
- Grant management
- Legal and business aspects of grants
- Best practices for competing for DoD funding
- Student opportunities

Department of Energy (DOE)

HBCUs have a wealth of opportunities available through the Department of Energy (DOE).

To make the most of these possibilities, HBCUs can explore DOE's funding and financing opportunities by visiting <u>https://www.energy.gov/funding-financing.</u>

Resources and Training | Department of Energy https://www.energy.gov/osdbu/resources-andtraining

Useful Links and FAQ | Department of Energy https://www.energy.gov/osdbu/usefullinks-and-faq

U.S. General Services Administration (GSA)

HBCUs can greatly benefit from federal contracting technical assistance, especially in key areas such as finding federal opportunities, proposal development, and marketing.

Recognizing that HBCUs have varying levels of knowledge and experience with federal contracting, the GSA currently provides technical assistance through Industry Days and training webinars.

Additionally, the GSA is developing an ondemand training program for HBCUs, accessible via the <u>GSA HBCU Webpage</u>, to support institutions from beginner to advanced levels.

This program is expected to launch in Fall/ Winter 2024. HBCUs may need assistance with capacity building due to budget constraints and limited personnel, which can hinder their ability to pursue large agency contracts like the GSA MAS contract.

To address this, the GSA developed the E.A.S.E pilot, which offers 1-on 1 contracting officer support to assist with the presubmission process of submitting an e-offer to GSA MAS.

In addition to the E.A.S.E pilot, the GSA created the GSA MAS Roadmap to simplify the presubmission process.

Another valuable resource for capacity building is the Excess Property Program, which provides excess federal equipment to public institutions of higher learning, including HBCUs, for a nominal fee.

More information on the GSA Excess Personal Property Program can be found here: <u>https://www.gsa.gov/buythrough-us/</u> <u>government-property-for-sale-or-lease</u>

Doing business with GSA:

Roadmap to get a Multiple Award Schedule (MAS) Contract

Use the following link to access the GSA Roadmap and all additional connections needed to complete the assessments and recommendations below. <u>https://www.gsa.gov/buy-through-us/purchasing-programs/</u> <u>multiple-award-schedule/help-with-mas-contractsto-sell-to-government/roadmap-to-get-a-mas</u> <u>contract?gsaredirect=masroadmap</u>

Decide if getting a Multiple Award Schedule contract is in your best interest

Take the mandatory pathways to success training. It takes 3-4 hours.

You must acknowledge in the eOffer system that you completed this training within the past year when you submit your offer.

Government contracting officers may set aside orders and blanket purchase agreements in these socioeconomic categories when their market research shows that at least three firms are capable of providing the products and services.

(HBCUs would typically be classified as "other than small" unless the agency does not utilize the FAR).

Even if your company is more than two years old, you still qualify for Startup Springboard if you have fewer than two years of corporate experience providing the products or services described in the MAS solicitation.

You may be able to substitute:

-Other documentation to demonstrate financial responsibility if you don't have two years of financial statements.

-Company executives and key professionals' management and project experience, or other additional info that demonstrates your ability to manage a company and provide the services and products.

Do a readiness assessment

A designated Authorized Negotiator who is also an employee of the company must complete the readiness assessment.

You will acknowledge in eOffer that this was done within the past year when you submit your offer.

Read the entire MAS solicitation

The solicitation and category attachments are our formal request for contractors to submit offers.

It will detail the required elements of an offer, what evaluation criteria we use to evaluate whether or not to award a MAS contract to your company, and the specific terms and conditions you will need to comply with.

Review the new offeror checklist

Our new offeror checklist [XLSX -910 KB] summarizes the minimum requirements for your submission.

Use the category-specific tabs to make sure you don't miss anything.

A contracting officer also might need additional information as they review your proposal.

Required registrations

Learn where you need to register and what you'll need in order to complete your registrations successfully.

Gather the required info for your offer

You will need to use our templates for some forms, and you will need to compile information to input into required fields in eOffer.

Since some fields have character limits, you might want to prepare your information in another application, and then paste it into the system.

You should also look up your SINs in our table to see what SIN specific requirements exist.

Finalize and submit your offer

Log into eOffer using your FAS ID and then complete the information, upload forms, sign, and submit your completed offer.

The eOffer/eMod help center has a knowledge base with a table of contents and search to find help for whatever you need.

National Aeronautics and Space Administration (NASA)

For federal contracting opportunities, HBCUs should connect with NASA's Office of Small Business programs.

https://www.nasa.gov/osbp/ https://www.nasa.gov/procurement/ https://www.nasa.gov/learning-resources/ minorityuniversity-research-educationproject/

U.S. Small Business Administration (SBA)

HBCUs can benefit greatly from the SBA's Learning Center, which offers courses on contracting terms, understanding government procurement, and strategies for selling to the government.

It also provides valuable guidance tailored for small business concerns. Explore the SBA's Learning Center here:

https://www.sba.gov/sba-learningplatform.

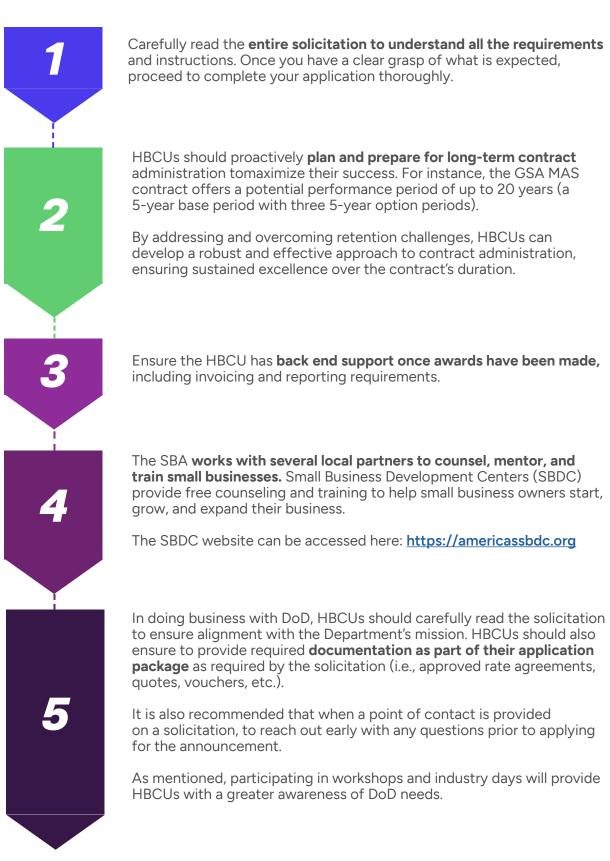
HBCUs may access the links below to identify best practices to adopt to enhance how they work with federal contracts/grants:

https://www.sba.gov/federalcontractingcontractingguide

https://www.sba.gov/federalcontracting/contractingassistanceprograms



Helpful **Considerations**



Leading **Practices**

Building a great relationship with the Program Officer is **crucial for the success** of any project or initiative.

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GSA continues to support HBCUs through the E.A.S.E pilot to onboard them swiftly into the MAS program within 5 to 15 days of proposal submission. GSA actively provides training and pre-submission support, as well as **participates in forums to increase agency engagement** and rapport building.

HBCUs should stay engaged in the federal space by attending agency Industry days, GSA training and events, and responding to agency RFIs, as appropriate.

The following link provides the best point of entry for HBCUs: <u>www.gsa.gov/hbcu</u>

This page houses information about GSA resources, tools, training, and careeropportunities that will advance equity for HBCUs.



We encourage HBCUs to understand and properly articulate their capabilities in additional to bringing **along faculty experts to virtual introductions and meet and greets.**

This helps our team get answers to questions from all perspectives and usually teases exciting research being done at the HBCU.

List of acronyms and initialisms Commonly used by Government

ACH: Automated Clearing House ACO: Administrative Contracting Officer **BLS:** Bureau of Labor Statistics **BOP:** Basic Contract Option Period **BPA:** Blanket Purchase Agreement **CAF:** Contract Access Fee **CAP:** Contract Administration Plan **CAV:** Contractor Assistance Visits **CFR:** Code of Federal Regulations **CLIN:** Contract Line Item Number **CONUS:** Contiguous United States **COP:** Contract Ordering Period **COR:** Contracting Officer Representative **COTR:** Contracting Officer Technical Representative DB: Davis-Bacon Act **DFARS:** Defense Federal Acquisition Regulation Supplement **DHNDAA:** Duncan Hunter National Defense Authorization Act **DICAP:** Department of Defense Information Assurance Certification and Accreditation Process **DoD:** Department of Defense **DPA:** Delegation of Procurement Authority **DSSR:** Department of State Standardized Regulation **EA:** Executive Agent **ECI:** Employment Cost Index **EFT:** Electronic Funds Transfer **EPEAT:** Electronic Products Environmental Assessment Tool FA: Functional Area FAR: Federal Acquisition Regulation FAS: Federal Acquisition Service FBO: FedBizOpps FFP: Firm Fixed Price FIPS: PUB Federal Information Processing Standards Publication FISMA: Federal Information Security Management Act FP: Fixed Price GAO: Government Accountability Office **GSA:** General Services Administration **GWAC:** Governmentwide Acquisition Contract **HSPD:** Homeland Security Presidential Directive **IA:** Information Assurance **IDIQ:** Indefinite Delivery, Indefinite Quantity

IEEE: Institute of Electrical and Electronics Engineers IG: Inspector General **IOA:** Industrial Operations Analyst IT: Information Technology **ITS:** Integrated Technology Service **ITSS:** Information Technology Solutions Shop LH: Labor Hour MA: Multiple Award MAP: Marketing Action Plan MCS: Minimum Contract Sales **MPIN:** Marketing Partner Identification Number NAICS: North American Industrial Classification System NDAA: National Defense Authorization Act NICAP: National Information Assurance Certifications and Accreditation Process OCO: Ordering Contracting Officer OMB: Office of Management and Budget PCO: Procuring Contracting Officer PGC: Pricing Guideline Coefficients PL: Public Law PoP: Period of Performance **PPIRS:** Past Performance Information Retrieval System **RFI:** Request for Information **RFP:** Request For Proposal **RFQ:** Request For Quote **RP:** Reporting Period SAM: System for Award Management SAP: Special Access Programs **SBA:** Small Business Administration SBI: Special Background Investigations **SCA:** Service Contract Act SCI: Sensitive Compartmented Information **SOP:** Standard Operating Procedure **STARS:** Streamline Technology Acquisition for Resources Services **T&M:** Time and Materials USC: United States Code

