



U.S. General Services Administration

Planned Refresh of TDR Pilot Schedules / SINS

September 12, 2017

Disclaimer

"The purpose of this webinar is to allow GSA FAS to verbally present the DRAFT planned solicitation refresh and related mass modification as a courtesy to industry. All comments on the information presented must be submitted via chat on this call. GSA FAS will consider all relevant comments and document them, but we are not obligated to respond to any questions at this time.

GSA FAS may address some comments during the call or provide responses to relevant questions on the original Interact posting. GSA FAS does not guarantee a response to all questions, but may issue a formal response to industry comments or related inquiries. GSA FAS will make changes to the DRAFT as appropriate. Interested parties should review the final version of the solicitation refresh or mass modification closely for additional changes made to this DRAFT."

Introductions

Robin Bourne - Director, Acquisition Policy Division

Steven Hutchinson - Branch Chief, Acquisition Policy Division

Adam Jones - Procurement Analyst, Acquisition Policy Division

Kellie Stoker - Procurement Analyst, Acquisition Policy Division

Transactional Data Reporting

- On June 23, 2016, the Final Rule incorporating Transactional Data requirements into the MAS and non-MAS Schedules was published in the [Federal Register](#).
- Initial participation in the pilot was optional for existing contractors. New Offerors, existing contractors approaching option were *required* to participate in the pilot.
- GSA is now planning to make participation voluntary for all new offerors based on the greater than expected voluntary participation from existing contractors.
- The [Interact Notice](#) for the upcoming Solicitation Refresh was posted on August 17, 2017.

Significant Changes

- For Schedules 03FAC, 51 V, 58 I, 72, 73, and 75, GSA FAS will refresh the solicitations to add the legacy clauses back into the solicitation and remove all language pertaining to mandatory participation. See the Significant Changes document attached to the [Interact Notice](#) for a list of clauses.
- For TDR SINs on Schedules 70 and 00CORP, all language pertaining to mandatory participation will be removed.
- eOffer will be updated to allow new offerors the choice of participating in TDR or continuing with the Legacy MAS Process (CSP, MFC/BOA, Price Reduction Tracking.)

Transactional Data Reporting

- Since the roll-out of TDR, nearly half of all vendors included in the pilot have opted to participate in TDR.
- The TDR pilot is a three-year pilot, with periodic reviews.
 - The first review will take place after at least one full year of the pilot.
 - During these reviews, GSA's Senior Procurement Executive (SPE) will make a holistic assessment of progress before deciding whether to continue, expand, adjust, or discontinue the pilot.
 - The change to voluntary will not extend the length of the Pilot.

Impact to Vendors

- Vendors who submitted an offer, had an option exercised, or added a TDR SIN to their contract and were *required* to opt in to TDR will be provided a **one-time** opportunity to opt out of TDR once the solicitations are refreshed.
- Once vendors are notified, vendors must advise their CO/CS within **60** days of their intent.
- Notifications will not be sent out until the solicitations are refreshed
- Vendors who voluntarily accepted the TDR Implementation Mass Mod (A509) will be required to remain in TDR.

Vendors who opt out of TDR

- Vendors who elect to opt out of TDR will be required to provide updated Commercial Sales Practices (CSP), current pricelist, and other information identified by the Contracting Officer.
- This information will be evaluated in order to re-establish a Most Favored Customer (MFC) or Basis of Award (BOA) customer, identify a price/discount relationship for purposes of price reduction tracking, and ensure the current pricing remains fair and reasonable.
- A modification will be required to update the contract to incorporate the revised terms and conditions.

Vendors who opt out of TDR

- The modification to opt out of TDR will become effective on the 1st day of the next business quarter (January 1st, April 1st, July 1st, October 1st)
- Vendors who opt out of TDR must complete the remaining monthly reports and remit IFF in TDR for the period in which the mod was signed. The first 72A report period will begin on the 1st day of the business quarter following the date of the modification to opt out.
- Price Reduction tracking will commence on the 1st day of the business quarter following the date of the modification to opt out.

Projected Timeline

- GSA FAS anticipates issuing the refreshed solicitations **mid-October, 2017.**
- A mass mod will be issued to all vendors which will update the clauses to include the legacy clauses concurrent with the refresh and/or remove mandatory language.

Additional Changes in Refresh

- On March 27, 2017, [Public Law 115-11 \(H.J. Res 37\)](#) and [Executive Order \(E.O.\) 13782](#) were signed to nullify [FAR Case 2014-025](#), the final rule implementing [E.O. 13673](#), Fair Pay and Safe Workplaces.
- Rulemaking under a new FAR Case 2017-015 has been undertaken to formally remove the Fair Pay and Safe Workplaces requirements from the FAR.
 - However, the Office of Federal Procurement Policy (OFPP) has provided guidance that states agencies should not wait for formal rescission of the FAR rule and should take action to comply with Pub. L. 115-11.

Additional Changes in this Refresh

GSA Schedule solicitations will be updated as follows:

- DELETE 52.222-60 Paycheck Transparency (Executive Order 13673)(OCT 2016)
- DELETE 52.212-3 Offeror Representations and Certifications - Commercial Items (JAN 2017)
- ADD 52.212-3 Offeror Representations and Certifications - Commercial Items (MAY 2017)

Points of Contact / Additional Info

- Vendor questions about the refresh can be addressed to TDRTeam@gsa.gov mailbox.
- Extensive TDR information, training, and FAQs can be found at the TDR Landing Page on the [VSC Website](#).
- The TDR FAQs will be updated to address questions from this webinar shortly.
- This webinar will be posted on the TDR / VSC page.

Resources

- [TDR Information on the Vendor Service Center \(VSC\) website](#)
- [Interact Refresh Notice FAQs](#)
- [Interact Blog Post regarding the Pivot to Optional](#)