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and Trade Show for Federal Agencies

A River of Energy Solutions

The FPI/UNICOR Channel: MAC Contracting & the Federal Government

Doing Business with the Federal Government

Overview

- Who is FPI (also known as UNICOR)?
- FPI & Federal Agencies
- FPI's Preferred Status
- FPI's Turnkey Renewable Energy Solution
- FPI & the Private Sector
- Another avenue for Renewable Energy
- Multiple Award Contracts
- Tips for the Contractor
- Fair Opportunity Reference Information

Who is Federal Prison Industries?

- FPI is a wholly-owned government corporation founded within the Bureau of Prisons in the Department of Justice
- Mission: provide job skills to inmates while producing market-priced, quality goods for sale to the federal government
- 16,000 inmates, non-appropriated, \$850 million in annual sales



FPI & Federal Agencies

- How does a Federal Agency do business with FPI?
 - Purchase Orders
 - Contracts
 - Memorandums of Understanding (MOUs)
 - Interagency Agreements (IAGs)
 - Military Interdepartmental Purchase Requests (MIPRs)

FPI's Preferred Status



- Is FPI a mandatory source?
 - Federal Customers are required to give procurement priority to FPI for certain products
- Examples of Mandatory Source Offerings:
 - Furniture, clothing, electronic system components
- Examples of Non-Mandatory, but Preferred Source Offerings:
 - Services (including recycling), Solar PV panels

FPI's Turnkey Renewable Energy Solution

FPI can

- Supply state-of-the-art 240 W PV panels
- Provide integration services/ MATOC services
- Obtain private sector 3rd party financing
- Provide procurement support to federal agencies



FPI & the Private Sector

- How does the Private Sector interact with FPI's Renewable Energy Program?
 - FedBizOpps (FBO.gov)
 - Unsolicited proposals for Renewable Energy Development
 - Teaming Agreements, which may involve Business Initiatives

Another Avenue for Renewable Energy

- Executive Order 13514 & the Energy Acts collectively set ambitious renewable energy goals & mandates for the Federal government
- DOE & Army Corps of Engineers have created programs to assist federal agencies in meeting these mandates
- FPI's program is another option for agencies seeking to lower GHG emissions and increase percentage of renewable energy use

Multiple Award Contracts

- Procurement tool developed in the 1990s
- Multiple Contractors given Contract Award
- Compete for individual Task Orders and Delivery Orders
- No synopsising
- Only a fair opportunity to compete: what does this mean?

Multiple Award Contracts

- Indefinite quantity contract
- Contracting officers have broad discretion in interpreting the congressional mandate of “fair opportunity to compete”
- No protest authorized except under specific circumstances
- FAR Part 6 competition requirements do not apply

Tips for the Contractor

- Understand the ordering and planning procedures
- Try to ensure fair competition in those procedures PRIOR to submitting final proposal
- You have the standing to file a pre-award protest regarding the ordering and planning procedures if they are unfair
- Stay in close contact with the Contracting Officers so you know when orders are to be placed
- Maintain marketing efforts with agency

Reference: Fair Opportunity

- (i) The contracting officer must provide each awardee a fair opportunity to be considered for each order exceeding \$3,000 issued under multiple delivery-order contracts or multiple task-order contracts, except as provided for in paragraph (b)(2) of this section.
- (ii) The contracting officer may exercise broad discretion in developing appropriate order placement procedures. The contracting officer should keep submission requirements to a minimum. Contracting officers may use streamlined procedures, including oral presentations. If the order does not exceed the simplified acquisition threshold, the contracting officer need not contact each of the multiple awardees under the contract before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order. The competition requirements in [Part 6](#) and the policies in [Subpart 15.3](#) do not apply to the ordering process. However, the contracting officer must—

Reference: Fair Opportunity

- (A) Develop placement procedures that will provide each awardee a fair opportunity to be considered for each order and that reflect the requirement and other aspects of the contracting environment;
- (B) Not use any method (such as allocation or designation of any preferred awardee) that would not result in fair consideration being given to all awardees prior to placing each order;
- (C) Tailor the procedures to each acquisition;
- (D) Include the procedures in the solicitation and the contract; and
- (E) Consider price or cost under each order as one of the factors in the selection decision B)

Reference: Fair Opportunity

The contracting officer shall—

(1) Provide a fair notice of the intent to make a purchase, including a clear description of the supplies to be delivered or the services to be performed and the basis upon which the selection will be made to all contractors offering the required supplies or services under the multiple-award contract; and

(2) Afford all contractors responding to the notice a fair opportunity to submit an offer and have that offer fairly considered.

iv) *Orders exceeding \$5 million.* For task or delivery orders in excess of \$5 million, the requirement to provide all awardees a fair opportunity to be considered for each order shall include, at a minimum—

(A) A notice of the task or delivery order that includes a clear statement of the agency's requirements

Contact Information

You can stop by booth 1025 to speak with one of my colleagues, or get in touch with me after the show for more information.

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