

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 675

To provide streamlined contracting and ordering practices for automated data processing equipment and other commercial items.

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IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

Mr. LEVIN (for himself, Mr. GLENN, and Mr. ROTH) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To provide streamlined contracting and ordering practices for automated data processing equipment and other commercial items.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTOMATION OF MULTIPLE AWARD SCHEDULE**

4 **CONTRACTING.**

5 (a) DEVELOPMENT AND IMPLEMENTATION OF SYS-  
6 TEM.—In order to provide for the economic and efficient  
7 procurement of automatic data processing equipment and  
8 other commercial items the Administrator of General  
9 Services shall establish a program for the development and

1 implementation of a system to provide Governmentwide,  
2 on-line computer access to information on products and  
3 services that are available for ordering through multiple  
4 award schedules.

5 (b) REQUIRED CAPABILITIES.—The system required  
6 by subsection (a) shall be established as an element of the  
7 Federal acquisition computer network (FACNET) archi-  
8 tecture and shall, at a minimum—

9 (1) provide basic information on the prices, fea-  
10 tures, and performance of all products and services  
11 available for ordering through the multiple award  
12 schedules;

13 (2) provide for updating that information to re-  
14 flect changes in prices, features, and performance as  
15 soon as information on the changes becomes avail-  
16 able;

17 (3) enable users to make on-line computer com-  
18 parisons of the prices, features, and performance of  
19 similar products and services offered by various  
20 vendors;

21 (4) enable users to place, and vendors to re-  
22 ceive, on-line computer orders for products and serv-  
23 ices available for ordering through the multiple  
24 award schedules (up to the maximum order limita-  
25 tion of the applicable schedule contract);

1           (5) enable ordering agencies to make payments  
2 to contractors by bank card, electronic funds trans-  
3 fer, or other automated methods in cases in which  
4 it is practicable and in the interest of the Federal  
5 Government to do so; and

6           (6) archive data relating to each order placed  
7 against multiple award schedule contracts using  
8 such system, including, at a minimum, data on—

9                   (A) the agency or office placing the order;

10                   (B) the vendor receiving the order;

11                   (C) the products or services ordered; and

12                   (D) the total price of the order.

13           (c) IMPLEMENTATION.—

14           (1) DEADLINE FOR IMPLEMENTATION.—The  
15 system required by subsection (a) shall be imple-  
16 mented not later than January 1, 1998. If the level  
17 of the implementation of the FACNET architecture  
18 on that date is insufficient to accommodate full im-  
19 plementation of the features of the system described  
20 in paragraphs (4) and (5) of subsection (b), the sys-  
21 tem shall, as of that date, incorporate those features  
22 to the maximum extent practicable consistent with  
23 the level of implementation of the FACNET archi-  
24 tecture.

1           (2) CERTIFICATION OF 90 PERCENT IMPLEMEN-  
2           TATION.—The Administrator shall certify to Con-  
3           gress that the system required by subsection (a) has  
4           been implemented at such time as a system meeting  
5           the requirements of subsection (b) is in place and  
6           accessible by at least 90 percent of the potential  
7           users in the departments and agencies of the Fed-  
8           eral Government.

9           (d) RELATIONSHIP TO IMPLEMENTATION OF  
10          FACNET CAPABILITY.—Orders placed against multiple  
11          award schedule contracts through the system required by  
12          subsection (a) may be considered for purposes of the de-  
13          terminations regarding implementation of a Government-  
14          wide FACNET capability under subsection (b) of section  
15          30A of the Office of Federal Procurement Policy Act (41  
16          U.S.C. 426a) and implementation of full FACNET capa-  
17          bility under subsection (d) of such section.

18       **SEC. 2. STREAMLINED PROCEDURES; PILOT PROGRAM.**

19          (a) CONTRACTING AND ORDERING PROCEDURES.—

20               (1) REQUIRED PROCEDURES.—In order to pro-  
21               vide for compliance with provisions of law requiring  
22               the use of competitive procedures in Federal Govern-  
23               ment procurement, the procedures established by the  
24               Administrator of General Services for the multiple

1 award schedule program shall include requirements  
2 for—

3 (A) participation in multiple award sched-  
4 ule contracts to be open to all responsible and  
5 responsive sources; and

6 (B) orders to be placed using a process  
7 which results in the lowest overall cost alter-  
8 native to meet the needs of the Government, ex-  
9 cept in a case in which a written determination  
10 is made (in accordance with such procedures)  
11 that a different alternative would provide a sub-  
12 stantially better overall value to the Govern-  
13 ment.

14 (2) ELECTRONIC ORDERING PROCEDURES.—  
15 The Administrator may require offerors to agree to  
16 accept orders electronically through the electronic  
17 exchange of procurement information in order to be  
18 eligible for award of a multiple award schedule con-  
19 tract.

20 (3) COMMERCIAL ITEMS PROCUREMENTS.—  
21 Regulations on the acquisition of commercial items  
22 issued pursuant to section 8002 of the Federal Ac-  
23 quisition Streamlining Act of 1994 (Public Law  
24 103–355; 108 Stat. 3386; 41 U.S.C. 264 note) shall  
25 apply to multiple award schedule contracts.

1 (b) PILOT PROGRAM.—Within 90 days after the Ad-  
2 ministrator makes the certification referred to in section  
3 1(c)(2), the Administrator shall establish a pilot program  
4 to test streamlined procedures for the procurement of  
5 products and services available for ordering through the  
6 multiple award schedules. The Administrator shall provide  
7 for the pilot program to be applicable to all multiple award  
8 schedule contracts for the purchase of automatic data  
9 processing equipment and to test the following procedures:

10 (1) A procedure under which negotiation of the  
11 terms and conditions for a covered multiple award  
12 schedule contract is limited to terms and conditions  
13 other than price.

14 (2) A procedure under which the vendor estab-  
15 lishes the prices under a covered multiple award  
16 schedule contract and may adjust those prices at  
17 any time in the discretion of the vendor.

18 (3) A procedure under which a covered multiple  
19 award schedule contract is awarded to any respon-  
20 sible and responsive offeror that—

21 (A) has a suitable record of past perform-  
22 ance on Federal Government contracts, includ-  
23 ing multiple award schedule contracts;

24 (B) agrees to terms and conditions that  
25 the Administrator determines as being required

1 by law or as being appropriate for the purchase  
2 of commercial items; and

3 (C) agrees to establish and update prices  
4 and to accept orders electronically through the  
5 automated system established pursuant to sec-  
6 tion 1.

7 (c) GAO REPORT.—

8 (1) REPORT REQUIRED.—Not later than three  
9 years after the date on which the pilot program is  
10 established, the Comptroller General of the United  
11 States shall review the pilot program and report to  
12 the Committee on Governmental Affairs of the Sen-  
13 ate and the Committee on Government Reform and  
14 Oversight of the House of Representatives on the re-  
15 sults of the pilot program.

16 (2) CONTENT OF REPORT.—The report shall in-  
17 clude the following:

18 (A) An evaluation of the extent of the com-  
19 petition for the orders placed under the pilot  
20 program.

21 (B) The effect of the pilot program on  
22 prices charged under multiple award schedule  
23 contracts.

1           (C) The effect of the pilot program on pa-  
2           perwork requirements for multiple award sched-  
3           ule contracts and orders.

4           (D) The impact of the pilot program on  
5           small businesses and socially and economically  
6           disadvantaged small businesses.

7           (d) TERMINATION OF PILOT PROGRAM.—Unless re-  
8           authorized by Congress, the authority of the Adminis-  
9           trator to award contracts under the pilot program shall  
10          expire four years after the date on which the pilot program  
11          is established. Contracts entered into before the authority  
12          expires shall remain in effect in accordance with their  
13          terms notwithstanding the expiration of the authority to  
14          enter new contracts under the pilot program.

15   **SEC. 3. DEFINITIONS.**

16          In this Act:

17           (1) AUTOMATIC DATA PROCESSING EQUIP-  
18          MENT.—The term “automatic data processing equip-  
19          ment” has the meaning given the term in section  
20          111(a) of the Federal Property and Administrative  
21          Services Act of 1949 (40 U.S.C. 759(a)).

22           (2) COMMERCIAL ITEM.—The term “commer-  
23          cial item” has the meaning given the term in section  
24          4(12) of the Office of Federal Procurement Policy  
25          Act (41 U.S.C. 403(12)).

1           (3) FACNET ARCHITECTURE.—The term  
2           “FACNET architecture” refers to the Federal ac-  
3           quisition computer network architecture developed  
4           and implemented pursuant to section 30 of the Of-  
5           fice of Federal Procurement Policy Act (40 U.S.C.  
6           426) and has the meaning given the term “architec-  
7           ture” in subsection (d) of such section.

8           (4) COMPETITIVE PROCEDURES.—The term  
9           “competitive procedures” has the meaning given the  
10          term in section 309(b) of the Federal Property and  
11          Administrative Services Act of 1949 (41 U.S.C.  
12          259(b)).

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