

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM/R Case 2020-G526, Task-Order and Delivery-Order Ombudsman Update.

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Regulation (GSAR) to remove text duplicative to the Federal Acquisition Regulation (FAR) regarding the Task-Order and Delivery-Order Ombudsman.
2. Background. Federal Acquisition Circular 2019-04 made changes to FAR 16.505(b)(8), 16.506(j), and 52.216-32. These changes provided for making available to contractors under multiple-award indefinite-delivery indefinite-quantity (IDIQ) contracts the name and contact information of the contracting agency's Task-Order and Delivery-Order Ombudsman. These changes to the FAR rendered text at GSAR 516.506, 552.216-74, and 552.216-76 duplicative. Because the GSAR serves as a supplement to the FAR, it is appropriate to remove text from the GSAR when such text has become duplicative of FAR text.
3. Effective date. October 19, 2020.
4. Explanation of changes. This amendment includes regulatory and non-regulatory changes. For full text changes of the amendment see Attachment AA, GSAM/GSAR Text Line-In/Line-Out.
 - A. This amendment revises the regulatory language of the following GSAR subparts, changes summarized below:
 - i. 516.506 Solicitation provisions and contract clauses.
Revises paragraph to include spelling of "FAS". Removes paragraphs in order to redesignate remaining paragraphs.
 - ii. 552.216-73 Ordering Information.
Revises the introductory text to reference the correct provision. Also revises the introductory text to reference the correct provision in the "Alternate I" paragraph.
 - iii. 552.216-74 Task-Order and Delivery-Order Ombudsman.
Removes and reserves subsection.
 - iv. 552.216-75 Transactional Data Reporting.
Revises the introductory text to reference the correct clause.

- v. 552.216.76 Ordering Agency Task-Order and Delivery-Order Ombudsman.

Removes and reserves subsection.

- B. This amendment revises the non-regulatory language of the following GSAM subparts, changes summarized below:

- i. 552.300 Scope of subpart.

Revises matrix to reference the correct provision at 552.216-73, as well as reference the correct clause at 552.216-75. The matrix is also revised to remove clause 552.216-74, Task-Order and Delivery-Order Ombudsman.

- 5. Point of contact. For clarification of content, please contact Mr. Tanner Slaughter, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

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TAB AA – GSAM/GSAR Text, Line-In/Line-Out

GSAM Baseline: Change 110 effective 06/24/2020

- Additions to baseline made by rule are indicated by [bold text in brackets]
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (*****) indicate that there are no revisions between the preceding and following sections
- Three asterisks (***) indicate that there are no revisions between the material shown within a subsection

Part 516—Types of Contracts

Subpart 516.5—Indefinite-Delivery Contracts

516.505 Task-order and delivery-order ombudsman.

~~(a) In accordance with FAR subpart 16.5, the GSA Task Order and Delivery Order Ombudsman can be found at <http://www.gsa.gov/ombudsman>.~~

~~(b) The GSA Task Order and Delivery Order Ombudsman shall review and resolve complaints from contractors concerning all task and delivery order actions made by GSA. Complaints regarding task and delivery order actions of other agencies using GSA contract vehicles shall be directed to the ordering agency's Task Order and Delivery Order Ombudsman.~~

~~(c) If any corrective action is needed after reviewing complaints from contractors, the GSA Task Order and Delivery Order Ombudsman shall provide a written determination of such action to the contracting officer.~~

~~(d) Contracting officers shall be notified via the contractor of any complaints submitted to the GSA Task Order and Delivery Order Ombudsman (see clause 552.216-74).~~

[Contracting officers shall reference <http://www.gsa.gov/ombudsman> when completing FAR clause 52.216-32, Task-Order and Delivery-Order Ombudsman.]

516.506 Solicitation provisions and contract clauses.

(a) In solicitations and contracts for Special Order Program items, when the contract authorizes [the Federal Acquisition Service (FAS)] and other activities to issue delivery or task orders, insert the clause at 552.216-72, Placement of Orders. If only FAS will issue delivery or task orders, insert the clause with its Alternate I.

~~(b) In solicitations and contracts for multiple-award contracts where GSA is the only ordering activity, or for GSA orders placed against a GSA multiple-award contract, insert clause 552.216-74, GSA Task Order and Delivery Order Ombudsman. This clause shall not be included in GSA-awarded contracts available for multiple agency use (i.e., Governmentwide Acquisition Contracts, Multi-Agency Contracts); instead, see (d) below.~~

(e) **[(b)]** If the clause at 552.216-72 is prescribed, insert the provision at 552.216-73, Ordering Information, in solicitations for Special Order Program items and in other FAS Program solicitations.

~~(d) Insert clause 552.216-76, Ordering Agency Task Order and Delivery Order Ombudsman in all GSA-awarded contracts available for multiple agency use (i.e., Governmentwide Acquisition Contracts, Multi-Agency Contracts).~~

(e) **[(c)]** The Contracting Officer may insert clause 552.216-75 in solicitations and GSA-awarded IDIQ contracts, not including Federal Supply Schedule (FSS) contracts. This clause should be included in all GSA-awarded Governmentwide acquisition contracts and multi-agency contracts. See 538.273 for clauses applicable to FSS contracts.

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Part 552—Solicitation Provisions and Contract Clauses

Subpart 552.2—Text of Provisions and Clauses

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552.216-73 Ordering Information.

As prescribed in 516.506(e)**[(b)]**, insert the following provision:

Ordering Information (Aug2010)

* * *

(End of provision)

Alternate 1 (Sep1999). As prescribed in 516.506(e)**[(b)]**, delete paragraph (d) of the basic provision.

~~**552.216-74 GSA Task Order and Delivery Order Ombudsman.**~~

~~As prescribed in 516.506(b), insert the following provision:~~

~~Task Order and Delivery Order Ombudsman (Jan2017)~~

~~(a) GSA has designated a task Order and Delivery Order Ombudsman who will review complaints from contractors and ensure that they are afforded a fair opportunity for consideration in the award of task or delivery orders under Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts, consistent with the procedures in the contract. Written complaints shall be submitted to the Ombudsman, with a copy to the Contracting Officer.~~

~~(b) In the case that the contractor is not satisfied with the resolution of the complaint by the GSA Task Order and Delivery Order Ombudsman, the contractor may follow the procedures outlined in subpart 33.1.~~

~~(c) The GSA Task Order and Delivery Order Ombudsman is located at the General Services Administration (GSA), Office of Government Wide Policy (OGP), Office of Acquisition Policy (MV). Contact information for the GSA Task Order and Delivery Order Ombudsman can be found at: <http://www.gsa.gov/ombudsman>.~~

~~(End of provision)~~

552.216-75 Transactional Data Reporting.

As prescribed in 516.506(e)~~[(c)]~~, insert the following provision:

~~Transactional Data Reporting (Jun2016)~~

~~* * *~~

~~(End of provision)~~

552.216-76 Ordering Agency Task Order and Delivery Order Ombudsman.

As prescribed in 516.506(d), insert the following provision:

~~Ordering Agency Task Order and Delivery Order Ombudsman (Jan2017)~~

~~(a) *Ordering Agency Task Order and Delivery Order Ombudsman.* The Ordering Agency shall designate a Task Order and Delivery Order Ombudsman to review complaints from contractors and ensure that they are awarded a fair opportunity for consideration in the award of task or delivery orders placed against GSA Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts, consistent with the procedures in the contract. The contact information for the~~

Ordering Agency Task Order and Delivery Order Ombudsman shall be made available to contractors.

(b) *Submission of Complaints.* When a contractor submits a complaint to the Ordering Agency's designated Task Order and Delivery Order Ombudsman, the contractor shall also send a copy of the complaint to the GSA Procurement Ombudsman, for informational purposes. The GSA Procurement Ombudsman is located at the General Services Administration, Office of Government Wide Policy (OGP), Office of Acquisition Policy (MV). Contact information for the GSA Procurement Ombudsman can be found at: <http://www.gsa.gov/ombudsman>.

{End of provision}

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Subpart 552.3—Provision and Clause Matrixes

552.300 Scope of subpart

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P/C	Number	Reference	Title	Sup	Serv	Const	A-E	SA T	Util	Leas
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P	552.216-73	516.506(e)[(b)]	Ordering Information	WR	WR			WR		
G	552.216-74	516.505(b)	Task Order and Delivery Order Ombudsman	R	R	R	R	R	R	R
C	552.216-75	516.506(e)[(c)]	Transactional Data Reporting	WR	WR					
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