

**THRIFT FEDERAL ACQUISITION SUPPLEMENT (T-FAS)**

**FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**

**Effective Date: October 1, 2018**

## **PART T01—THRIFT FEDERAL ACQUISITION SUPPLEMENT (T-FAS)**

### **Preamble.**

The Federal Retirement Thrift Investment Board (FRTIB) was established by the Federal Employees' Retirement System Act (FERSA), which mandates that FRTIB fiduciaries manage Thrift Savings Plan (TSP) assets in the sole interest of the TSP participants and beneficiaries, and expend funds for the exclusive purpose of providing benefits to participants and beneficiaries and defraying reasonable expenses of administering the TSP. 5 U.S.C. § 8477. In doing so, FRTIB fiduciaries must act with the skill, care, and diligence of a prudent person engaged in a similar enterprise with analogous aims and objectives. In exercising its due diligence, FRTIB must closely examine the rules by which it will direct the expenditure of these funds. For most of the federal government, those rules are found in the Federal Acquisition Regulation (FAR). The FAR, which is a comprehensive set of rules that govern federal procurements, applies specifically to acquisitions made with appropriated funds. (FAR 1.104). FRTIB is a self-funded Federal Agency with independent budgetary authority that receives no annual appropriations from Congress. Due to its unique status, FRTIB is not strictly bound to adhere to the FAR. But, the Agency has determined that, in most circumstances, it is in the Agency's interest to follow the FAR for FRTIB's procurements of goods and services. To that end, FRTIB procurements will largely adhere to the FAR, unless doing so might infringe upon the Agency's fiduciary obligations under FERSA. This supplement specifies when FRTIB policies and practices deviate from the FAR for that purpose.

### **Section Contents.**

#### **T01.000 Scope of part.**

This part describes the Thrift Federal Acquisition Supplement (T-FAS) in terms of establishment, relationship to the FAR, arrangement, applicability, and deviation procedures.

#### **Subpart T01.1—Purpose, Authority, Applicability, Issuance**

##### **T01.101—Purpose.**

The T-FAS describes FRTIB's implementation, supplementation, and deviation from the FAR.

##### **T01.103—Authority.**

The T-FAS is issued under the authority of the Executive Director (ED) of FRTIB to enable the prudent expenditure of plan assets and ensure the reasonableness of plan expenses.

##### **T01.104—Applicability.**

The T-FAS applies to all FRTIB acquisitions, other than those made through agreements with other Federal Government entities, which are governed by FRTIB procedures on Interagency Agreements (IAA), Memoranda of Understanding (MOU), and Memoranda of Agreement (MOA).

### **T01.105—Issuance.**

#### **T01.105-1—Publication and Code Arrangement.**

The T-FAS is available at <https://www.frtib.gov> on the “Doing Business with FRTIB” page.

#### **T01.105-2—Arrangement of Regulations.**

(a) *General.* The T-FAS follows the basic FAR format, except that T or T0 will precede the citation (e.g., T-FAS coverage of FAR 1.602-1 is cited as T01.602-1).

(b) *Numbering.* Where the T-FAS does not supplement or deviate from the FAR, there is no corresponding T-FAS section.

### **T-FAS—Part T02** **Definitions of Words and Terms**

#### **T02.000—Scope of Part.**

This part defines words and terms that are specific to FRTIB and not already defined in FAR Part 2.

#### **Subpart T02.1—Definitions**

##### **T02.101—Definitions.**

“Agency Head” or “Head of the Agency” means the Executive Director (ED) of FRTIB.

“Chief Acquisition Officer” means the lead acquisition official responsible for the performance of FRTIB acquisition activities and acquisition programs.

### **T-FAS—Part T05** **Publicizing Contract Actions**

#### **T05.002—Policy.**

(c) FRTIB does not publicize contract actions solely to assist small business concerns in obtaining contracts and subcontracts.

## **Subpart 5.1—Dissemination of Information**

### **T05.101—Methods of Disseminating Information.**

(a) FRTIB does not comply with The Small Business Act (15 U.S.C. § 631 et seq.) and will not give special preference to proposals submitted under sections of the Small Business Act.

## **T-FAR—Part T06 Competition Requirements**

### **Subpart T06.2—Full and Open Competition After Exclusion of Sources**

#### **T06.203—Set-Asides for Small Business Concerns.**

FRTIB does not set aside solicitations to allow only small business concerns to compete.

#### **T06.204—Section 8(a) Competition.**

FRTIB does not limit competition to only Section 8(a) Small Business Act participants.

#### **T06.205—Set-asides for HUBZone Small Business Concerns.**

FRTIB does not to set aside solicitations to allow only qualified HUBZone small business concerns to compete.

#### **T06.206—Set-asides for Service-Disabled Veteran-Owned Small Business Concerns.**

FRTIB does not set aside solicitations to allow only service-disabled veteran-owned small business concerns to compete.

#### **T06.207—Set-asides for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns or Women-Owned Small Business (WOSB) Concerns Eligible Under the WOSB Program.**

FRTIB does not set aside solicitations for only EDWOSB concerns or WOSB concerns eligible under the WOSB Program to compete.

#### **T06.208—Set-asides for Local Firms During a Major Disaster or Emergency.**

FRTIB does not to set aside solicitations to allow only offerors residing or doing business primarily in the area affected by a major disaster or emergency to compete.

### **Subpart T06.5—Advocates for Competition**

## **T06.501—Requirements.**

FRTIB does not have an advocate for competition. However, FRTIB will conduct procurement activities in a manner that promotes full and open competition, promotes the acquisition of commercial items; and challenges barriers to acquisition, including unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.

## **T-FAS—Part T07** **Acquisition Planning**

### **Subpart T07.1—Acquisition Plans**

#### **T07.104—General Procedures.**

(d) FRTIB does not have a small business specialist; and does not coordinate the acquisition plan or strategy to set aside contracts for small business under FAR Part 19, or consolidate or bundle contracts.

## **T-FAS—Part T08** **Required Sources of Supplies and Services**

### **T08.002—Priorities for Use of Mandatory Sources.**

FRTIB does not satisfy requirements for supplies and services from or through mandatory Government sources and publications.

#### **T08.003—Use of Other Mandatory Sources.**

FRTIB does not satisfy requirements for public utility services, printing and related supplies, leased motor vehicles, strategic and critical materials, or helium from or through the specified sources described in FAR Part 41, Subparts 8.8, 8.11, or 8.5.

#### **T08.005—Contract Clause.**

FRTIB does not satisfy requirements for supplies and services from or through mandatory Government sources and publications or from or through the specified sources described in FAR Part 41, and Subparts 8.8, 8.11, and 8.5. Therefore, FRTIB does not use FAR clause 52.208-9, Contractor Use of Mandatory Sources of Supply and Services, in solicitations or awards.

### **Subpart T08.4—Federal Supply Schedules**

#### **T08.405-5—Small Business.**

(a) FRTIB does not set aside orders for small business concerns.

### **Subpart T08.6—Acquisition from Federal Prison Industries, Inc.**

FRTIB is not required to purchase supplies and services from Federal Prison Industries, Inc.

### **Subpart T08.7—Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled**

FRTIB is not required to purchase supplies and services from People Who Are Blind or Severely Disabled, or comply with the rules of the Committee for Purchase from People Who Are Blind or Severely Disabled.

### **Subpart 8.8—Acquisition of Printing and Related Supplies**

#### **T08.802—Policy.**

FRTIB may authorize printing by an entity other than the Government Printing Office.

### **T-FAS—Part T09 Contractor Qualifications**

#### **T09.000—Scope of Part.**

#### **Subpart T09.1—Responsible Prospective Contractors**

##### **T09.103—Policy.**

(b) FRTIB does not request or consider Certificates of Competency and Determinations of Responsibility for small business concerns.

##### **T09.104-3—Application of Standards.**

(b) *Satisfactory performance record.* FRTIB does not request subcontracting plans for small businesses or consider prospective contractors' compliance with subcontracting plans under recent contracts.

(d)(1) *Small business concerns.* FRTIB does not refer matters to the Small Business Administration and will not request or consider Small Business Administration decisions on whether to issue a Certificate of Competency.

(d)(2) FRTIB does not use FAR clause 52.219-14, Limitations on Subcontracting, in solicitations or awards.

##### **T09.105-2—Determinations and Documentation.**

(a)(2) If a small business lacks certain elements of responsibility, FRTIB does not follow the procedures in FAR Subpart 19.6 by requesting or considering a Certificate of Competency issued for a small business concern. Further, the contracting officer shall not request or accept the Small Business Administration's decision to issue a Certificate of Competency and award the contract to the concern.

**T09.107—Surveys of Nonprofit Agencies Participating in the AbilityOne Program.**

FRTIB does not participate in the AbilityOne Program.

**Subpart T09.4—Debarment, Suspension, and Ineligibility**

See *also* FRTIB Suspension and Debarment Program Memorandum.

**T-FAS—Part T10**  
**Market Research**

**T10.001—Policy.**

(c) FRTIB does not comply with the Small Business Act, therefore, it will not consult with small business specialists and/or local Small Business Administration procurement center representatives or notify any affected incumbent small business concerns of the Agency's intention pertaining to bundling requirements or small business concerns.

**T10.002—Procedures.**

(b)(1)(vii) FRTIB does not consider the size and status of potential sources.

**T-FAS—Part T11**  
**Describing Agency Needs**

**Subpart T11.5—Liquidated Damages**

**T11.501—Policy.**

(d) The ED may reduce or waive the amount of liquidated damages assessed under a contract without the approval of the Commissioner, Financial Management Service or designee.

**T-FAS—Part T12**  
**Acquisition of Commercial Items**

**T12.207—Contract Type.**

Each determination and finding (D&F) required by paragraph (b)(1)(ii)(A) of this Part shall contain sufficient facts and rationale to justify that no other contract type

authorized by the subpart is suitable. FAR 12.207(b)(2) provides the minimum D&F requirements.

### **Subpart T12.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**

#### **T12.301—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items.**

(b)(1) FRTIB shall not include any of the FAR clauses relating to the Small Business Act, Small Business Program, Small Business Concerns, Small Business Subcontracting Plan, or Small Business Set-Asides in solicitations or awards.

(d)(4) FRTIB does not use clause 52.207-6, Solicitation of Offers from Small Business Concerns and Small Business Teaming Arrangements or Joint Ventures (Multiple-Award Contracts), in solicitations or awards.

(d)(9) FRTIB does not use clause 52.232-40, Providing Accelerated Payments to Small Business Subcontractors, in solicitations or awards.

### **T-FAS—Part T13 Simplified Acquisition Procedures**

#### **T13.003—Policy.**

FRTIB does not reserve or set aside awards exclusively for small business concerns. Simplified procurement procedures are used when buying products or services valued at \$250,000 or less.

#### **Subpart T13.1—Procedures**

##### **T13.101—General.**

(a)(2) FRTIB does not use the procedures described in subpart 19.6 with respect to Certificates of Competency before rejecting a quotation, oral or written, from a small business concern determined to be nonresponsible.

### **T-FAS—Part T15 Contracting by Negotiation**

#### **Subpart T15.3—Source Selection**

##### **T15.304—Evaluation Factors and Significant Subfactors.**

(c)(3)(ii) and (c)(4) FRTIB does not set aside procurements for small business concerns.

### **T15.305—Proposal Evaluation**

(a)(2)(v) FRTIB does not set aside procurements for small businesses.

(a)(5) FRTIB does not structure solicitations to give offers from small business concerns the highest rating for the evaluation factors in 15.304(c)(3)(ii) and (c)(4).

### **Subpart T15.4—Contract Pricing**

#### **T15.404-4—Profit.**

(d)(1)(iii) FRTIB does not provide greater profit opportunity to contractors that have displayed unusual initiative in Federal socioeconomic programs, such as those involving small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, women-owned small business concerns, veteran-owned, HUBZone, service-disabled veteran-owned small business concerns, sheltered workshops for workers with disabilities, and energy conservation.

#### **T15.407-2—Make-or-Buy Programs.**

(d)(2) FRTIB does not consider the viability of small, small disadvantaged, women-owned, veteran-owned, HUBZone, service-disabled veteran-owned, small business concerns for subcontracting in evaluating the proposed program. When prospective contractors are required to submit proposed make-or-buy programs, the solicitation should not include a description of those factors.

### **Subpart T15.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes**

#### **T15.503—Notifications to Unsuccessful Offerors.**

(a)(2) FRTIB will provide pre-award notice to all offerors, including small business programs, in accordance with FAR 15.503(a)(1).

#### **T15.507—Protests Against Award.**

See FRTIB Protest Procedures.

#### **T15.606—Agency Procedures.**

(b) The Division Chief of Contracting is the point of contact to coordinate the receipt and handling of unsolicited proposals.

### **T-FAS—Part T16** **Types of Contracts**

## **Subpart T16.1—Selecting Contract Types**

### **T16.102—Policies.**

(b) FRTIB may award other contract types (except cost plus percentage of cost) as deemed necessary by the contracting officer.

### **T16.103—Negotiating Contract Type.**

(d)(2)(iii) FRTIB does not set aside solicitations or awards for small business concerns.

## **T-FAS—Part T17** **Special Contracting Methods**

### **Subpart T17.1—Multi-Year Contracting**

#### **T17.104—General.**

(c) This paragraph does not apply to FRTIB contracts. The sums in the Thrift Savings Fund are not appropriated and shall remain available without fiscal year limitation.

#### **T17.105—Policy.**

##### **T17.105-1—Uses.**

(d) If funds are not available to support the succeeding years' requirements, FRTIB must cancel the contract.

#### **T17.204—Contracts.**

(e) A request to exceed the 5-year limitation specified in FAR 17.204(e) must follow general policies and procedures for the use of determinations and findings (D&F's) prescribed in FAR Part 1.7, and be approved by the Executive Director.

### **Subpart T17.5—Interagency Acquisitions**

#### **T17.502—Procedures.**

##### **T17.502-1—General.**

##### **T17.502-2—The Economy Act.**

The Economy Act grants agencies using appropriated funds the authority to enter into Interagency Agreements (IAA) for supplies and services. Because FRTIB does not fund IAAs with appropriated funds, the contracting officer shall use 5 U.S.C. § 8474(c)(5) (FERSA) instead of the Economy Act as the authority for FRTIB's use of an IAA.

## **T17.504—Reporting Requirements.**

(a) FRTIB does not submit an annual report on interagency acquisitions to the Director of OMB.

## **T-FAS—Part T19** **Small Business Programs**

FRTIB does not comply with The Small Business Act (15 U.S.C. § 631 et seq.) and associated FAR set-aside requirements.

## **T-FAS—Part T22** **Application of Labor Laws to Government Acquisitions**

### **T22.001—Definitions.**

The “Office of General Counsel” or “OGC,” as used in this part, means the office responsible for advising FRTIB officials on federal contract labor matters.

### **Subpart T22.1—Basic Labor Policies**

#### **T22.101—Labor relations.**

##### **T22.101-3—Reporting Labor Disputes.**

(b) The contracting officer shall seek legal advice and assistance from OGC when a potential or actual labor dispute that may interfere with the contract performance occurs.

## **T-FAS—Part T24** **Protection of Privacy and Freedom of Information**

### **Subpart 24.1—Protection of Individual Privacy**

#### **T24.103—Procedures.**

FRTIB’s regulations with respect to the Privacy Act of 1974 are found at 5 C.F.R. § 1630.

### **Subpart 24.2—Freedom of Information Act**

#### **T24.203—Policy.**

FRTIB regulations with respect to the Freedom of Information Act (FOIA) are found in 5 C.F.R. § 1631.

**T-FAS—Part T32**  
**Contract Financing**

**T32.009—Providing Accelerated Payments to Small Business Subcontractors.**

Small businesses are not entitled to early payment of invoices based on the authority of FAR 32.903(a)(5) concerning the use of accelerated payment methods specified at 5 C.F.R. § 1315.5(b).

FRTIB has not issued a policy allowing the blanket early payment of any category of small businesses. The contracting officer shall not place provisions in solicitations or contracts with small businesses which authorize payment in advance of the payment dates set forth in FAR Subpart 32.9, Prompt Payment.

**T32.104—Providing Contract Financing.**

(b) If the contractor is a small business concern, the contracting officer may give special attention to meeting the contractor's contract financing need. However, a contractor's receipt of a Certificate of Competency from the Small Business Administration has no bearing on the contractor's need for or entitlement to contract financing.

**T-FAS—Part T33**  
**Protests, Disputes, and Appeals**

**Subpart T33.1—Protests**

**T33.102—General.**

(a) Contracting officers shall promptly notify OGC and seek legal advice upon receiving notice that a protest has been filed in any forum.

**T33.103—Protests to the Agency.**

All FRTIB protest decisions shall be reviewed by OGC before transmittal to the protester. See FRTIB Protest Procedures.

**T33.104—Protests to GAO.**

(a) Only OGC may communicate with the Government Accountability Office (GAO), the Court of Federal Claims and the Department of Justice regarding protests. OGC shall be responsible for preparation and submission of the agency report to the GAO and litigation reports to the Department of Justice.

**Subpart T33.2—Disputes and Appeals**

**T33.202—Disputes.**

The contracting officer shall promptly notify OGC and seek legal advice upon receiving a contractor claim.

**T-FAS—Part T37**  
**Service Contracting**

**Subpart T37.1—Service Contracts -- General**

**T37.108—Small Business Certificate of Competency.**

FRTIB does not consider small business Certificates of Competency in the evaluation of technical/management proposals and any resultant technical evaluation and source selection.

**T-FAS—Part T41**  
**Acquisition of Utility Services**

**Subpart T41.2—Acquiring Utility Services**

**T41.206—Interagency Agreements.**

FRTIB shall use interagency agreements (e.g., consolidated purchase, joint use, or cross-service agreements) when acquiring utility services or facilities from other Government agencies. However, FRTIB's authority for entering into Interagency Agreements derives from FERSA, rather than the Economy Act.

**Subpart T41.3—Requests for Assistance**

FRTIB does not use the procedures described in FAR Subpart 41.3 for requesting GSA contracting assistance for utility services.

**T-FAS—Part T42**  
**Contract Administration and Audit Services**

**T42.002—Interagency Agreements.**

(b) As a self-funded agency, FRTIB shall reimburse the servicing agency for rendered services pursuant to its authority under FERSA (5 U.S.C. § 8474(c)(5)), rather than the Economy Act.

**T-FAS—Part T44**  
**Subcontracting Policies and Procedures**

**Subpart T44.3—Contractors Purchasing Systems Reviews**

### **T44.303—Extent of Review.**

(f) FRTIB does not give special attention to policies and procedures pertaining to small business concerns, including small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns.

### **T-FAS—Part T47 Transportation**

#### **Subpart T47.1—General**

##### **T47.101—Policies.**

(f) FRTIB does not give preference for offers from small business concerns in purchases and contracts for transportation and transportation-related services.

### **T-FAS—Part T49 Termination of Contracts**

#### **Subpart T49.1—General Principles**

##### **T49.106—Fraud or Other Criminal Conduct.**

If the contracting officer suspects fraud or other criminal conduct related to the settlement of a terminated contract, the contracting officer shall immediately discontinue negotiations and prepare a written report concerning the matter. The report shall be submitted to the FRTIB Alternate Designated Agency Ethics Official (ADAEO). See FRTIB Suspension and Debarment Program Memorandum.

#### **Subpart T49.2—Additional Principles for Fixed-Price Contracts Terminated for Convenience**

##### **T49.201— General.**

No action relating to a default termination, including issuance of a show cause letter, cure notice, or notice of default, shall be taken until OGC has reviewed the action for legal sufficiency.

#### **Subpart T49.4—Termination for Default**

##### **T49.402—Termination of Fixed-Price Contracts for Default**

###### **T49.402-3—Procedures for Default.**

(e)(4) FRTIB does not provide a copy of cure or show cause notices to the contracting office's small business specialist or the Small Business Administration Regional Office

and will not consult with a small business specialist before proceeding with a default termination.

## **T-FAS—Part T52**

### **Solicitation Provisions and Contract Clauses**

52.204-5, Women-Owned Business (other Than Small Business).

FRTIB does not give preference or set aside awards for women-owned businesses and does not use clause 52-204-5.

52.207-6, Solicitation of Offers from Small Business Concerns and Small Business Teaming Arrangements or Joint Ventures (Multiple-Award Contracts).

FRTIB does not give preference for offers from small business concerns and small business teaming arrangements or joint ventures and does not use clause 52.207-6.

52.208-9, Contractor Use of Mandatory Sources of Supply and Services.

FRTIB does not use clause 52.208-9.

52.219-3 to 52.219-30, Small Business Program Clauses.

FRTIB does not give preference, set aside, or sole source awards to small business concerns and therefore does not use any of the FAR 52.219 clauses.

52.225-1, Buy American—Supplies (May 2014).

FRTIB should include the following language when using this clause: “FRTIB does not give preference or set aside acquisitions for small business concerns.”

52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Dec 2013).

FRTIB does not provide accelerated payments to small businesses subcontractors and therefore does not use clause 52.232-40.

## Authorities and References

- Federal Employees' Retirement System Act of 1986 (FERSA)

## Revision History

Date	Version	FRTIB Author	Comments <i>(briefly summarize change)</i>
09/13/2018	1	Wesley Beemer	Initial version

## Approval

Name: \_\_\_\_\_

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