



Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance

Issued: Sept. 21, 2004

AAPD 04-13

Revised Procedures Allowing for Classification of U.S. Personal Services Contracts Positions Up to the GS-15 Equivalent

Subject Category: Personal Services Contracts
Type: Policy

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are **EFFECTIVE AS OF THE ISSUED DATE** unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends
CIB/AAPD No: CIB 98-11

Precedes change to: AIDAR Part(s) Appendix D
 USAID Automated Directives System (ADS) Chapter
 Code of Federal Regulations
 Other

Applicable to: No change to regulations
 Existing awards; Modification required:
 Effective immediately
 No later than
 As noted in guidance below
 RFPs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source... (those for U.S. PSCs)
 Other or N/A USPSC SOWs developed on or after the effective date of this AAPD

New Provision/Clause Provided Herein: Yes; Scheduled update to Prodoc: (insert date)
 No

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PURPOSE:

The purpose of this AAPD is to revise the classification procedures for U.S. personal services contract (USPSC) positions that are anticipated to have a market value equivalent to GS-14 and GS-15. These positions may now be classified by USAID Missions, Bureaus, and Independent Offices as noted below. This change broadens authority for these offices to classify USPSC positions to include market values from GS-5 through GS-15 equivalents.

BACKGROUND:

Positions held by USPSCs are considered "rank-in-position". That is, in determining an appropriate market value for the position, the *work to be performed* is assessed, not the *individual* proposed to fill the position. As a result, the Agency classifies its USPSC positions based on the Office of Personnel Management's General Schedule (GS) scale, which also employs the rank-in-position methodology. This resulting GS-equivalent market rate classification is used as the basis for salary negotiations for USPSC positions.

CIB 98-11 (which reinstated CIB 96-3), entitled "Determining a Market Value for Personal Service Contractors", provided guidance for proposing market values for USPSCs. The CIB provided Contracting Officers/Executive Officers (COs/EXOs) specific benchmarks to use when it appears that the position will be classified at the GS-5 through GS-13 equivalent. It also provided that, when a position being reviewed appears to warrant a market value above the GS-13 level, the scope of work must be forwarded to M/HR/POD/PMC for review and appropriate salary class (grade equivalent) determination.

It has been determined that responsibility for proposing appropriate GS equivalents for USPSC positions anticipated to have a market value above the GS-13 level is more appropriately placed with the Mission, Bureau, or Independent Office.

The determination regarding the reasonableness of the proposed classification of the position rests with the CO or EXO. In the event of unresolved disagreements, the Head of the Contracting Activity (Mission Directors, Director-Office of Acquisition & Assistance, and others as noted in AID Acquisition Regulation 701.601) may render a determination as to the appropriate classification of the PSC position.

GUIDANCE:

The pre-solicitation steps to be followed in classifying a USPSC positions include:

1. Preparation of SOW: Consistent with CIB 98-11, the SOW is to be drafted by the technical officer, and is to include the following sections:
 - a. Recommended position title
 - b. Organizational location of position (bureau/mission, office, division, etc.)
 - c. Position title/grade of direct supervisor
 - d. Introduction (Short review of the program and the role of the position within the program)
 - e. Duties and responsibilities of the position (Work to be performed must be defined in objective, mission-related, output terms which emphasize what needs to be done.) Attention to the following characteristics must also be reflected in the description of duties/responsibilities:
 - Degree of responsibility for decision-making assigned to the position
 - Level of complexity of work assignments
 - Knowledge level required
 - Supervisory Controls (How are assignments made and how much review/control will be provided by the supervisor.)

- Guidelines (availability of them for required work)
 - Complexity of the work environment/effect on the position's responsibilities
 - Scope and effect of the work performed
 - Level and purpose of contacts
 - Supervision/oversight over others (address level of subordinates and degree of supervisory responsibility, if any.)
- f. Minimum qualification requirements
- Education
 - Relevant work experience
- g. Selective/evaluation factors

(Note: The minimum qualifications and selective factors in the solicitation must be reflective of the benchmarks used in determining the market value.)

2. Determination of Salary Class (Grade)

a. *Classification of USPSC positions with market value of GS-5 through GS-13*

The benchmarks/characteristics provided in CIB 98-11 for establishing the market value for all USPSC positions from the GS-5 through GS-13 levels must continue to be used. The procedures for doing so remain unchanged. In addition, the use of the AVUE system is strongly recommended for use as a tool in classifying positions at these levels. USAID's Office of Human Resources web page provides a Quick Reference Guide for Avue Users, and the Avue module can be found at the following internet address: <http://www.avuedigitalservices.com/usaids/ads.html>

b. *Classification of USPSC positions anticipated to have a market value above the GS-13 Equivalent, up to and including the GS-15 equivalent*

The technical officer must compare the draft SOW to the attached table of characteristics to support the recommended market value classification to be forwarded to the CO/EXO. It is recommended that the table be used as a "checklist" to gauge appropriate classification.

It should be noted that distinctions in characteristics between GS-13, 14 and 15 level classifications are far less distinct than those between salary classes at lower levels. The characteristics are presented in table form for ease in differentiating between salary classes at these levels. If revisions to the SOW are necessary to accurately reflect the characteristics of the position, such revisions are to be completed by the technical officer. The most significant differences are highlighted in the first table under a "Summary" in the areas of *Responsibility for Decision Making, Knowledge Level, Scope/Effect, Contacts* and *Guidelines*. While GS-13 characteristics/benchmarks were provided in CIB 98-11, they have been transferred to table form in the attachment to assist in differentiating between GS-13 and GS-14 characteristics. Information in the table regarding GS-13 characteristics is consistent with CIB 98-11.

In selecting characteristics, the following guidelines are to be used:

- If uncertain of the choice between two salary classes for a particular characteristic, select the lower of the two salary class.
- In the event that a position meets characteristics across multiple salary classes, the position is to be recommended for classification at the salary class at which the position meets the highest number of benchmarks.
- If an equal number of characteristics are across multiple salary classes, the lowest of the salary classes is to be selected.

- Use of the Avue system to assist in developing the SOW and appropriate classification is highly recommended. In addition, M/HR/POD/PMC is also available to provide classification guidance.
 - As noted above, positions held by USPSCs are considered "rank-in-position", not "rank in person", and the salary class determination must be based on the work to be performed, not an individual anticipated to fill the position. Therefore, careful attention must be provided to the description of work provided to ensure that it supports the proposed classification.
3. The technical officer is to forward the SOW, benchmark checklist and any other supporting documentation (such as AVUE documents) to the CO/EXO for determination regarding the reasonableness/appropriateness of the proposed salary class.
 4. The CO/EXO must review the SOW and characteristics checklist for consistency.
 - a. If the CO/EXO finds the recommended salary class to be adequately supported, he/she may proceed with advertising the position. If however, the CO/EXO finds the recommended salary class unreasonable/inappropriate, revisions to the SOW may be required. Entry of the position into Avue may be requested to assist in determining reasonableness/appropriateness of the proposed classification.
 - b. The CO/EXO will provide a determination regarding the appropriate salary class.
 - c. Appeal of CO/EXO determination: The supervisor or SO team leader of the technical officer may appeal the CO/EXO's determination to the Head of the Contracting Activity (HCA). Within five (5) workdays of the CO/EXO determination, the appeal request must be submitted in writing to the CO/EXO with a detailed explanation of the basis for the appeal.

If an appeal is received, the CO/EXO must forward a written request to the Head of the Contracting Activity (HCA), for consideration of the appeal. The HCA must be provided all relevant information regarding the classification of the position for a final decision.

The HCA will provide a written determination as to the appropriate salary class for the position. This determination will be included in the contract file and the process will be documented in the contract negotiation memorandum. Avue may be used to assist in making a final determination regarding the appropriate classification.
 5. Once the market value has been established, the position may be advertised. The minimum qualifications and selective factors in the solicitation must be reflective of the characteristics for the salary class.

SPECIAL CONSIDERATIONS IN DETERMINING SALARY CLASS OF USPSCS AT HIGHER GRADE LEVELS

Particular caution is advised when classifying PSC positions anticipated to have market values at the GS-14 or GS-15 level. You must consider that positions at these levels typically include responsibilities critical to agency operations and management, often considered inherently governmental in nature, which may not be appropriate for contractor performance.

AIDAR, Appendix D, provides the following limitations on USPSCs, which require particular attention when considering positions at the GS-14 and GS-15 level:

1. PSCs may only be used when adequate supervision is available.
2. PSCs may be used for commercial activities. Commercial activities provide a product or service which could be obtained from a commercial source.
3. Notwithstanding any other provision of USAID directives, regulations or delegations, USPSCs may be delegated or assigned any authority, duty or responsibility delegable to U.S. citizen direct-hire employees (USDH employees) except that:
 - They may not supervise U.S. direct hire employees of USAID or other U.S. Government agencies. They may supervise USPSCs and non-U.S. citizen employees.
 - They may not be designated as Contracting Officers or delegated authority to sign obligating or sub-obligating documents.
 - They may represent the agency, except that communications that reflect a final policy, planning or budget decision of the agency must be cleared by a USDH employee.
 - They may participate in personnel selection matters, but may not be delegated authority to make a final decision on personnel selection.
 - Exceptions to these limitations must be approved by the Assistant Administrator for Management (AA/M).

In addition, Missions should also review any work requirements for positions determined to be above the GS-13 level equivalent for possible assignment to direct-hire employees.

POINT OF CONTACT: Tom M. Henson, M/OAA/PE, (202) 712-5448.

Attachments: a/s

CLASSIFICATION OF GS-13, GS-14, and GS-15 Equivalent Level USPSC Positions

DESCRIPTIVE CHARACTERISTICS

SUMMARY OF KEY DIFFERENTIATING CHARACTERISTICS		
GS-13	GS-14	GS-15
<p>DECISION MAKING--Performs under administrative direction with latitude for the exercise of independent judgment; exercises independent judgment in areas such as program/project management, though not a policy-maker</p> <p>KNOWLEDGE LEVEL--Mastery of an area of specialization</p> <p>SCOPE/EFFECT--Considered an expert; consulted by specialists/senior specialists; when position requires development of regulatory or legislative proposals, incumbent is assigned a narrow program area</p> <p><i>Work may require team leader responsibilities, leading/coordinating work of other professional staff</i></p> <p>CONTACTS—senior professionals/officials</p> <p>GUIDELINES—Available and applicable, but stated in general terms</p>	<p>DECISION MAKING--Performs under general administrative discretion with wide latitude for the exercise of independent judgment, work of <u>outstanding</u> difficulty and responsibility; has formal decision making authority in broad program area</p> <p>KNOWLEDGE LEVEL--Mastery of an area of specialization but assignments are complicated by interconnected issues, multi-disciplinary approaches, conflicts among possible technical solutions, etc.</p> <p>SCOPE/EFFECT--Considered an expert and consulted by other experts; assignments reflect wide program area; projects range from regional to national impact</p> <p><i>Work typically requires formal team leader responsibilities for coordinating/directing work of other professional staff</i></p> <p>CONTACTS--senior management officials</p> <p>GUIDELINES—Broadly stated/non-specific; judgment/ingenuity required to interpret and develop applications/guidelines</p>	<p>DECISION MAKING--Performs under administrative discretion...work of outstanding difficulty which has demonstrated leadership and exceptional attainments; typically serves as highest-level decision maker</p> <p>KNOWLEDGE LEVEL--Mastery of a very broad field of expertise</p> <p>SCOPE/EFFECT--Nationally known expert in broad field; resolves disputes that arise when leading experts disagree; work is of <u>national significance</u> or deals with problems that are rapidly evolving and have impact on a major department (ex., Department of State) or legislation</p> <p><i>Key responsibility of work is leading/directing (directly/indirectly) a substantial number of other professional/technical staff</i></p> <p>CONTACTS--highest level of officials (SES/corporate executive and above), and contacts may extend to international organizations</p>

**EXPANDED DISCUSSION
OF CHARACTERISTICS**

GS-13	GS-14	GS-15
<p>Responsibility for Decision Making</p> <ul style="list-style-type: none"> • Performs under administrative direction, with latitude for the exercise of independent judgment, work of <i>unusual</i> difficulty and responsibility requiring extended professional, scientific, or technical research training and experience which has demonstrated leadership and <i>marked</i> attainments in professional, scientific, or technical research, practice or administration. • Exercises independent judgment in areas such as program/project management, though not a policy-maker 	<p>Responsibility for Decision Making</p> <ul style="list-style-type: none"> • Performs under general administrative discretion, with wide latitude for the exercise of independent judgment, work of <i>outstanding</i> difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and <i>unusual</i> attainment • Has formal decision making authority in broad program area. May serve as higher level decision-maker, possibly responsible for developing policies <p align="center">OR</p> <ul style="list-style-type: none"> • Comparable work, such as planning and executing major professional, scientific, technical, administrative, fiscal or other specialized programs that demonstrates unusual attainment, with wide latitude for exercise of independent judgment and decision making 	<p>Responsibility for Decision Making</p> <ul style="list-style-type: none"> • Under general administrative direction, • With wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments • Typically serves as highest-level decision maker, responsible for approving policies with agency-wide impact. <p align="center">OR</p> <ul style="list-style-type: none"> • Comparable work such as planning and directing/executing specialized programs of marked difficulty, responsibility and <u>national significance</u>, along professional, scientific, technical, administrative, fiscal, or other lines, requiring extended training and experience which has demonstrated leadership and <u>exceptional attainments</u>.
<p>Knowledge Level Required by the Position</p> <ul style="list-style-type: none"> • Mastery of a professional or administrative field to: <ul style="list-style-type: none"> ○ Apply experimental theories and new developments to problems not susceptible to accepted methods ○ Make decisions or recommendations that significantly change important public policies or scientific programs • Knowledge level characteristically acquired through education equivalent to the graduate or higher degree with significant study in or pertinent to the specialized field, as distinguished from general education, or five years of progressive responsible experience equivalent to this level in the professional or technical field 	<p>Knowledge Level Required by the Position</p> <ul style="list-style-type: none"> • Same as GS-13 	<p>Knowledge Level Required by the Position</p> <ul style="list-style-type: none"> • Mastery of a professional or administrative field to: <ul style="list-style-type: none"> ○ Apply experimental theories and new developments to problems not susceptible to accepted methods ○ Make decisions or recommendations that significantly change important public policies or scientific programs • Knowledge level characteristically acquired through education equivalent to the graduate or higher degree with significant study in or pertinent to the specialized field, as distinguished from general education, or five years of progressive responsible experience equivalent to this level in the professional or technical field • Generates and develops new hypotheses and theories

GS-13	GS-14	GS-15
<p>Supervisory Controls</p> <ul style="list-style-type: none"> • Supervisor sets overall objectives • Employee and supervisor together develop deadlines, projects and work to be done • Employee independently plans, designs, and carries out project, studies, and programs • Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements, or expected results 	<p>Supervisory Controls</p> <ul style="list-style-type: none"> • Supervisor provides administrative direction in terms of broadly defined missions or functions • Employee independently plans, designs and carries out project, studies, and programs • Results of the work are considered technically authoritative • There is no higher level official technically responsible for administering the program/project 	<p>Supervisory Controls</p> <ul style="list-style-type: none"> • Same as GS-14
<p>Guidelines</p> <ul style="list-style-type: none"> • Administrative policies and precedents are applicable but are stated in general terms (i.e., agency policy). Guidelines are scarce or of limited use • The employee uses initiative and resourcefulness in deviating from traditional methods or in researching patterns and trends to develop new methods, criteria or proposed policies 	<p>Guidelines</p> <ul style="list-style-type: none"> • Guidelines are broadly stated and non-specific (e.g., basic legislation) • Judgment and ingenuity is required to interpret the intent of guides and to develop applications/guidelines 	<p>Guidelines</p> <ul style="list-style-type: none"> • Same as GS-14
<p>Complexity</p> <ul style="list-style-type: none"> • Duties are significantly varied and require many different unrelated processes and methods that are applied to a broad range of problems/situations that require a substantial depth of analysis • Decisions that must be made involve major areas of uncertainty in approach, methodology, interpretation and evaluating processes • There are continuing changes in program, technological developments, unknown phenomena, or continuing requirements • The work requires originating new techniques, establishing criteria, or developing new information 	<p>Complexity</p> <ul style="list-style-type: none"> • Same as GS-13 	<p>Complexity</p> <ul style="list-style-type: none"> • Duties are significantly varied and require many different unrelated processes and methods that are applied to a broad range of problems/situations that require a substantial depth of analysis • Decisions involve largely undefined areas and issues and require extensive probing and analysis to determine the scope of the problem • There are continuing changes in program, technological developments, unknown phenomena, or conflicting requirements • The work requires originating new techniques, establishing criteria, or developing new information • Assignments are of considerable breadth and intensity and require the participation and support of others • The work requires a continuing effort to establish concepts, theories or programs, or to resolve unyielding problems

GS-13	GS-14	GS-15
<p>Scope and Effect</p> <ul style="list-style-type: none"> • Work involves establishing criteria, formulating projects, assessing program effectiveness, or investigating or analyzing a variety of unusual conditions, problems or questions • Work product or service affects a wide range of agency activities, major activities or industrial concerns or the operations • Work typically includes planning, organizing, directing, designing and coordinating programs and/or projects, requiring creativity and support efforts of others; or work entails conducting evaluations to determine the feasibility of various advanced approaches to define concepts and criteria for future programs or to resolve major controversial problems in current programs. • Work <i>may</i> require working as a team leader, guiding and coordinating the work of other professions or technical staff 	<p>Scope and Effect</p> <ul style="list-style-type: none"> • The work involves isolating and defining unknown conditions, resolving critical problems, or developing new theories • The employee is recognized as an expert to the experts and his/her work affects the work of other experts • The work directly affects the development of major aspects of administrative or professional programs or missions, or the well being of a substantial number of people • Work <i>typically</i> requires formal responsibilities for leading teams, guiding and coordinating the work of other professional or technical staff 	<p>Scope and Effect</p> <ul style="list-style-type: none"> • The work involves isolating and defining unknown conditions, resolving critical problems, or developing new theories • The employee is recognized as an expert to the experts and his/her work affects the work of other experts • The work directly affects the development of major aspects of administrative or professional programs or missions, or the well being of a substantial number of people • The work involves planning, developing and carrying out vital programs which are essential to the mission of the Department (i.e., beyond Agency-level) or affect substantial numbers of people • <i>Key responsibility</i> of the work is to lead, direct and otherwise affect a substantial number of other professional or technical staff
<p>Personal Contacts</p> <ul style="list-style-type: none"> • Contacts are with individuals or groups from inside and outside of the agency • Contacts typically take place in moderately unstructured settings (i.e., not routine coordination meetings) • The role and authority of each party is identified and developed during the course of the contact • Typical contacts are those with senior level professionals, contractor representatives and representatives of professional organizations • Provides technical advice in the area of specialty in formulation of related higher-level programs 	<p>Personal Contacts</p> <ul style="list-style-type: none"> • Contacts are with individuals or groups from inside and outside of the agency • Contacts typically take place in moderately unstructured settings (i.e., not routine coordination meetings) • The role and authority of each party is identified and developed during the course of the contact • Typical contacts are those with attorneys, contractor executives, representatives of professional organizations, the news media or public action groups 	<p>Personal Contacts</p> <ul style="list-style-type: none"> • Contacts are with high ranking officials (SES, corporate executive or above) at the national and international levels from outside the Department (i.e., beyond the agency level) • Officials contacted are relatively inaccessible • Various parties may be unclear as to the role and authority of the other parties • Contacts are conducted under differing ground rules • Contacts typically include Members of Congress, leading representatives of foreign governments, presidents of large national & international firms, nationally recognized representative of the news media, presidents of national unions, State governors, and mayors of large cities

GS-13	GS-14	GS-15
<p>Purpose of Contacts</p> <ul style="list-style-type: none"> • To influence/motivate people or groups. The people contacted may be fearful, skeptical or uncooperative • The employee must be skillful in determining the appropriate approach in negotiating and persuading others, and in establishing rapport in order to gain and relay information 	<p>Purpose of Contacts</p> <ul style="list-style-type: none"> • To influence, motivate, control or direct people or groups. The people contacted may be fearful, skeptical or uncooperative • The employee must be skillful in determining the appropriate approach in negotiating and persuading others, and in establishing rapport in order to gain and relay information, including decision makers 	<p>Purpose of Contacts</p> <ul style="list-style-type: none"> • To justify, defend, negotiate and settle matters involving significant or controversial issues among decision makers • The work usually involves active participation in conferences, meetings, hearing or presentations involving problems or issues of considerable consequence or importance • The people contacted typically have diverse viewpoints, goals or objectives and therefore the employee is required to achieve a common understanding among the various parties and satisfactory solution that addresses their various objectives and concerns