



As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

**Decision sent to:**

[appellant]

[servicing human resources director]

## **Introduction**

On March 27, 2003, the Center for Merit System Compliance of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Contract Specialist, GS-1102-12, in Contracts and Grants Management at [organization], [city and State]. [Appellant] requested that her position be classified at the GS-13 level. We accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code.

We conducted a telephone audit with the appellant on December 15, 2003 (follow-up interview on January 12, 2004), and a subsequent telephone interview with the appellant's supervisor, [name]. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and her agency, including her official position description [number], and other material received in the agency administrative report on November 13, 2003.

## **General issues**

Under 5 U.S.C. 5112, we can consider only current duties and responsibilities in classifying positions. In her appeal, the appellant discussed work that she performed intermittently in connection with a working group called the Frost task force from the period 1994-2001. Since the task force is no longer extant, this work cannot be considered in the appeal.

## **Position information**

The predominant work of the appellant's position is the performance of a full range of operating-level contracting activities (i.e., those performed in the capacity of Contracting Officer for individual acquisitions) for [organization]. The appellant also serves as the [organization] purchase card program coordinator, with responsibility for explaining regulations and requirements to cardholders, resolving problems associated with the use of the cards, and auditing purchase card activity.

## **Series Determination**

The appellant's position is properly assigned to the Contracting Series, GS-1102, which covers positions that perform professional work involving the procurement of supplies, services, construction, or research and development using formal advertising or negotiation procedures. Neither the appellant nor the agency disagrees.

## **Title Determination**

The appellant's position is properly titled as Contract Specialist, which covers positions which require a knowledge of preaward and postaward procedures to plan and conduct the contracting process from the description of requirements through contract delivery; positions which require a knowledge of two or more contract functions (such as negotiation, administration, or termination) with none predominant or grade-controlling; or other contract work not covered by any of the various specializations. Neither the appellant nor the agency disagrees.

## **Grade Determination**

The position was evaluated by application of the grade-level criteria provided in the position classification standard for the Contracting Series, GS-1102, dated December 1983. This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

The appellant disagrees with the agency's evaluation of Factors 1 and 2. We concur with their evaluation of those factors but disagree with their evaluation of Factor 6, all of which are addressed below. The remaining factors are not in dispute, but we verified that the agency's evaluation of those factors is correct.

### *Factor 1, Knowledge Required by the Position*

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

At Level 1-7, the work requires knowledge of a wide range of contracting methods and types to plan and carry out preaward and postaward procurement actions, or in-depth knowledge of a specialized area to analyze difficult contracting issues, modify standard contracting procedures and terms to satisfy specialized requirements, and solve contracting problems requiring significant departures from previous approaches. The work also requires familiarity with business practices and market conditions sufficient to evaluate bid responsiveness and contractor performance. For example, at this level the employee may purchase large quantities of items to meet the consolidated requirements of one or more regions, commands, agencies, or departments, or may procure complex and/or diversified supplies, services, construction, or research and development, such as design services for specialized equipment, or architectural and engineering services to design major buildings, structures, facilities, or projects. Contract administration may involve monitoring a group of contracts such as fixed-price with redetermination provisions, cost reimbursement, or contracts with incentive provisions. The work may involve gathering and evaluating price and/or cost data for a variety of procurement actions, such as production equipment subject to design or manufacturing changes, or proposals projecting changes in labor and material costs or technology. At this level, contract specialists engaged in staff work may write the activity's operating procedures, interpret procurement regulations and policies for the activity operational procurement specialists, and identify and analyze procurement issues and their impact on local procedures.

The knowledge required by the appellant's position matches Level 1-7. The position requires skill in a wide range of contracting techniques to procure diverse supplies and services. These include office furniture, equipment, and supplies; administrative services such as security,

information technology, inventory, financial auditing, mail/courier, disposal/recycling, equipment maintenance, public relations, and other support services; and technical library services such as archival work, binding preparation, environmental monitoring, microfilm preservation, digital talking book development, and film transfer. The appellant negotiates and administers a range of contract types, including fixed price, cost plus fixed fee, and indefinite delivery/indefinite quantity contracts. Many of the over 40 open contracts that she administers are for multiple years and are relatively high dollar value (i.e., several million dollars). Her work occasionally requires researching and resolving difficult contracting issues (e.g., whether appropriated funds can be used for contract award as a condition of acquisition using donated funds), or evaluating price and cost data for services being procured from foreign sources. The appellant's responsibilities as purchasing program coordinator also meet this level, in that it covers staff work relating to procurement activities carried out within the immediate operating environment. Correspondingly, the appellant directly coordinates, monitors, and evaluates purchasing activity by the [organization] cardholders rather than through intermediate procurement offices.

The position does not meet Level 1-8. At that level, operating-level work requires a mastery of contracting methods and types to plan and carry out *long-term procurement actions*, and familiarity with business strategy and program or technical requirements sufficient to perform or direct *in-depth evaluations* of the financial and technical capabilities or performance of the contractor, or equivalent knowledge and skill. The distinguishing features of this level are the *magnitude and complexity* of the systems or services being procured, e.g., extensive ADP acquisitions such as a nationwide teleprocessing system or a multiprocessor mainframe system used in multidisciplinary scientific applications; all contractual aspects of a major program involving coordination of a number of contracts; extensive technical services, such as large Government-owned, contractor-operated installations and facilities; or design services for large hospitals, laboratories, prisons, Federal office buildings, dams, power plants, mints, or other comparable structures. Contract administration may involve *complex* service contracts which require day-to-day negotiations of significant contract changes, monitoring numerous special provisions, coordinating extensive subcontracting involvement, and observing rigid timeframes.

Level 1-8 staff work requires mastery of the procurement functional area to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods, to extend contracting techniques, *and* to develop procurement *policies* for use by other contracting personnel in solving procurement problems. Alternatively, it requires mastery of procurement principles and program requirements to plan and manage or make decisions or recommendations that significantly affect the content, interpretation, or development of complex, long-range, or interrelated agency *policies or programs* concerning the management of procurement matters. An assignment illustration provided in the standard of Level 1-8 staff work involves providing expert technical leadership, staff coordination, and consultation in a functional area of procurement, including responsibility for formulating guidelines, implementing new developments, and providing policy interpretation to subordinate contracting activities.

The appellant issued 18 new contracts in calendar year 2003. These included contracts for information technology services (such as software support and licensing, hardware maintenance, and data base development), security services, and public relations support; the purchase of large equipment including a film transfer system and specialized printer; and the production of digital

talking books. In addition, the appellant awarded several contracts that she regards as being particularly complex and demanding, including a contract with a German company for paper-splitting services (an esoteric preservation technique); a contract for public relations support for the 2002 National Book Festival (conducted in conjunction with the White House); and a contract for administrative and logistical support for the Russian Leadership Program, which pairs Russian government officials with counterpart host organizations in the U.S.

These contracts do not require the range and depth of knowledges expected at Level 1-8. Although many of the appellant's contracts are for multiple years, they are not comparable in scale and complexity to those envisioned at that level, i.e., the *major* programs or *extensive* acquisitions or technical services described as examples above. They do not involve *continual and significant* contract changes or *extensive* subcontracting. It should be noted that Level 1-7 also addresses contracting work of a fairly high degree of difficulty and importance, such as government-wide procurements and architectural/engineering services to design major projects, which is more representative of the appellant's position. For example, the appellant has negotiated contracts where there was little historical cost data or precedent, such as transportation and lodging in Russia. However, analyzing cost elements for these limited services is not equivalent to performing this work for an acquisition comparable to a nationwide teleprocessing system, as expected at Level 1-8. The exception is the contract associated with the National Book Festival, which was an intensive project involving a number of subcontractors, frequent modifications, rigid timeframes, and continual coordination, and which is thus comparable in some respects to the complex service contracts described at Level 1-8. However, grade-controlling duties must constitute at least 25 percent of the total time of a position, and this one contract does not approach that threshold.

The appellant's role as purchasing program coordinator is not comparable to Level 1-8 staff work. That level is appropriate for large organizations with *subordinate contracting activities* (e.g., in regional or field offices), where the employee is responsible for providing technical leadership, policy guidance, and staff evaluation of contracting issues and programs. In contrast, the appellant ensures that purchase cardholders adhere to program rules and requirements, but these operations are not as complex as performing an equivalent role involving contracting activities. There is no continuing requirement for policy and program development in connection with this function.

Level 1-7 is credited (1250 points).

### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-4, the supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee plans and carries out the work, determining the approach to be taken or the methodology to be used and initiating necessary coordination with contractors and others. The employee may negotiate alone but keeps the supervisor informed of progress and potential problems. Completed work is reviewed from an overall standpoint in terms of effectiveness in

meeting requirements. In some positions, review is minimal, with the employee being delegated contracting officer authority within prescribed dollar amounts; as the dollar thresholds increase, requirements for formal review by higher authority or boards of experts are generally prescribed by agency regulations.

The appellant's level of responsibility matches Level 2-4. This is the level of the experienced journeyman worker who carries out most of the normal aspects of the job independently. Correspondingly, the appellant plans and conducts her assignments basically on her own initiative, including negotiating with contractors. She has unlimited warrant authority, but agency regulations prescribe that all contracts over \$100,000 be approved by a contract review board (of which her supervisor is a member along with other senior contracting management and staff). Thus, as a practical matter, most of her contract actions receive some level of technical review.

The position does not meet Level 2-5. At that level, the supervisor provides *administrative direction only* and makes assignments in terms of *broadly defined programs or functions* or long-range acquisition or agency objectives. The employee designs the overall plans and strategies for the projects, independently carries out the work, including continual coordination of the various elements involved, and independently negotiates. Work products or advisory services are considered to be technically authoritative. Review of work focuses on compatibility with overall management objectives, fulfillment of program objectives, attainment of goals established in the acquisition plan, appropriateness of the business arrangements, and contribution to the success of the mission on both a short- and long-term basis. Recommendations for new procurement approaches or policies are usually reviewed for compatibility with broad program and agency objectives, impact on agency procurement activities, economies achieved, and/or improvement in effectiveness of performance of procurement programs *including those* at subordinate echelons throughout the agency.

This factor encompasses three elements – supervisory controls, employee responsibility, and supervisory review. Within that context, Level 2-5 represents not only increased independence of action over Level 2-4, but also a corresponding increase in the level of responsibility assigned to the employee largely as a function of the nature of the assignment. Level 2-5 is predicated on a significant degree of program authority which provides the context for the degree of supervisory controls described, i.e., administrative direction defined in terms of broadly defined programs or functions. The appellant's work is assigned in terms of individual procurement actions rather than "broadly defined programs or functions." Correspondingly, her work is reviewed for the accomplishment and sufficiency of individual procurements rather than for the broader *program* considerations expected at Level 1-8. For other aspects of her work relating to the purchase card program, she is expected to discuss with the supervisor any proposed changes in procedures or requirements or major problems encountered. This is distinguished from the responsibilities described at Level 2-5, where the employee has the authority to determine the overall framework of the procurement program or function assigned, subject only to broader, policy-oriented review.

Level 2-4 is credited (450 points).

### *Factor 6, Personal Contacts*

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

At Level 6-3, contacts are with employees and managers from outside the employing agency, such as contractors, manufacturers representatives, attorneys, university representatives, or other Federal agencies.

The appellant's personal contacts match Level 6-3, in that she has external contacts with contractors and company representatives.

The position does not meet Level 6-4, where contacts are with high-ranking officials from outside the agency, such as Congressional members and key staff, senior corporate officials, key officials from other Federal agencies and State or local governments, and principal executives of universities and national or international organizations. The appellant reportedly had direct contacts with Congressional staff when she was working on the Frost task force. However, with the conclusion of that assignment, she has no continuing contacts of this nature.

Level 6-3 is credited (60 points).

### *Summary*

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-7	1250
Supervisory Controls	2-4	450
Guidelines	3-4	450
Complexity	4-5	325
Scope and Effect	5-4	225
Personal Contacts	6-3	60
Purpose of Contacts	7-3	120
Physical Demands	8-1	5
Work Environment	9-1	<u>5</u>
Total		2890

The total of 2890 points falls within the GS-12 range (2755-3150 points) on the grade-conversion table provided in the standard.

### **Decision**

The appealed position is properly classified as Contract Specialist, GS-1102-12.