



GSA Multiple Award Schedule (MAS) Temporary Staffing Services Ordering Guide

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1. Definitions

5 CFR 300.501

Definitions:

A **temporary help service firm** is a private sector entity which quickly provides other organizations with specific services performed by its pool of employees, possessing the appropriate work skills, for brief or intermittent periods. The firm is the legally responsible employer and maintains that relationship during the time its employees are assigned to a client. The firm, not the ordering activity, recruits, tests, hires, trains, assigns, pays, provides benefits and leave to, and as necessary, addresses performance problems, disciplines, and terminates its employees. Among other employer obligations, the firm is responsible for payroll deductions and payment of income taxes, social security (FICA), unemployment insurance, and workers' compensation, and shall provide required liability insurance and bonding.

2. Description of Services Offered

GSA offers temporary staffing services on the MAS Special Item Number (SIN) **561320BSA**.

This SIN is a **total small business set aside**. The MAS SIN falls within the Office Management category/Office Services subcategory.

It is intended to provide agencies with a temporary solution for staff augmentations, court reporting, and transcription services. This allows agencies to quickly respond to changing staffing requirements that arise when critical projects temporarily warrant more assistance or when key staff members are unavailable for work due to an emergency, accident, illness, family responsibility, jury duty, etc.

The SIN includes the below occupations (but is NOT limited only to them):

- Administrative, Educational, Personal Needs and Miscellaneous Occupations
- Automatic Data Processing (IT) Occupations
- Court Reporting, Transcription and Coding Services
- General, Trade, Facility Services and Support
- Management and Clerical Occupations
- Medical, Protective and Professional Occupations
- Technical, Scientific, and Legal Occupations

The SIN's vendors are also subcategorized into the above listed groups to aid buyers to find vendors that can fulfill their requirement. Further information is provided in the Order Procedures section of this guide.

Note: SIN 561320SBSA is a “new” SIN resulting from the MAS consolidation that occurred. It combines the six following legacy Schedule 736 SINs, also known as Temporary, Administrative & Professional Staffing (TAPS), into one:

SIN 736 1: Temporary Administrative, Management & Clerical Occupations

SIN 736 2: Temporary Automatic Data Processing (IT) Occupations

SIN 736 3: Temporary General, Trade, Facility Services and Support Occupations

SIN 736 4: Temporary Information and Arts, Education, and Training Occupations, including miscellaneous occupations

SIN 736 5: Temporary Technical, Scientific, Legal, Medical, Protective, and Professional Occupations

SIN 736 99: Introduction of New Labor Categories for Temporary Services

3. Conditions for using private sector temporaries (5 CFR 300.503)

An ordering activity may place an order with a temporary help service firm for the brief or intermittent use of private sector temporaries, subject to these conditions:

One of the following short-term situations exists—

- An employee is absent for a temporary period because of a personal need including emergency, accident, illness, parental or family responsibilities, or mandatory jury service, but not including vacations or other circumstances which are not shown to be compelling in the judgment of the agency, or
- An ordering activity must carry out work for a temporary period which cannot be delayed in the judgment of the agency because of a **critical need** (defined in 5 CFR 300.501).

And that the need could not be met with current employees or through the direct appointment of temporary employees within the time available by the date, and for the duration of time that help is needed.

At a minimum, an agency determination is needed that:

- There are no qualified candidates on the applicant supply file and on the reemployment priority list (both of which must provide preference for veterans)
- No qualified disabled veterans with a compensable Service-connected disability of 30 percent or more under 5 U.S.C. 3112, who are immediately available for temporary appointment of the duration required,
- That employees cannot be reassigned or detailed without causing undue delay in their regular work.

In instances where a need is foreseeable, as when approval of employee absence is requested well in advance, an ordering activity may have sufficient time to follow the temporary appointment recruiting requirements, including veterans' preference found in 5 CFR part 316 to determine whether qualified candidates are available by the date needed and for the length of service required.

These services shall not be used:

- (1) In lieu of the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive civil service, or
- (2) To displace a federal employee
- (3) To circumvent controls on employment levels.
- (4) In lieu of appointing a surplus or displaced Federal employee as required by 5 CFR part 330, subpart F (Agency Career Transition Assistance Plan for Displaced Employees) and subpart G (Interagency Career Transition Assistance Plan for Displaced Employees.)

Job descriptions cannot contain supervisory, leading and/or directing occupations. In general, Architectural and Construction jobs are excluded.

4.Period of Performance / Temporary Employee time limits

Task Orders and BPAs issued under this SIN may be for one year with one or more option years. Total period of performance, generally, cannot exceed five years (except for certain Multiple-award BPAs).

However, there are temporary employee time limitations that may determine order length:

An agency may use a temporary help service firm(s) in a **single** situation, as defined in 5 CFR 300.504, initially for no more than **120 workdays**. Provided the situation continues to exist beyond the initial **120 workdays**, the agency may extend its use of temporary help services for that single situation up to the maximum limit of **240 workdays**.

An individual employee of any temporary help firm may work at a major organizational element (headquarters or field) of an agency for up to 120 workdays in a 24-month period. The 24-month period begins on the first day of assignment. An agency may make an exception for an individual to work up to a maximum of 240 workdays only when the agency has determined that using the services of the same individual for the same situation will prevent significant delay. Documenting the contract file would satisfy this determination or the agency could extend with a new temporary employee for the period after 120 days.

In other words, a single situation task order should start with a period of 120 days, although if there are multiple situations/critical needs at different dates, the task order could be overall longer than 120 days initially.

In the case where the 240 day exception is needed a modification to extend the workdays would be considered in-scope as the possibility is mentioned in the contract-level solicitation and award as well as the CFR for the use of private sector temporaries ([link in Section 11 below](#)).

Overseas employment of legal aliens is subject to a minimum 3 year waiting period in order for the legal alien to be eligible to be employed under a Temp Help contract. Ordering activities should consider, and probably anticipate the need to execute options based on a written justification need for services to continue.

Example: An agency has a critical need to close-out a very large amount of medical billings by end of the current fiscal year. To aid in this effort the agency has sought the services of several claims and billing clerks for an initial period of performance of 120 days.

The time limitation for the current temporary task order is reaching its end, but the close-out effort still remains active and a priority. Since this requirement still remains, the agency may justify the extension of the period of performance with a new task order for an additional 120 days so that the mission of the agency is NOT interrupted and the goal is achieved.

5. Price Considerations

Professional labor rates: GSA has negotiated professional labor rates in the contractors' price list. These professional and administrative positions typically are ones that are "exempt" employees from Fair Labor Standards Act (FLSA) and therefore also do not fall under the Service Contract Act (SCA). The rates listed on the pricelists are fully burdened rates.

Non-professional labor rates: GSA has negotiated fully burdened rates (base rate plus fringe, such as health & welfare) from the prevailing labor rates in accordance with Department of Labor (DOL) FLSA and the SCA. The SCA applies to all non-professional services in the United States, otherwise known as "non-exempt" positions under the FLSA.

The negotiated rates in the pricelist are based off the vendor's proposal to GSA which may use rates from the SCA wage determination location where the preponderance of their work is normally performed, the location of the vendor, or, for nationwide vendors, may be based off the highest-cost location they service. The location for the basis of the rates will be mentioned in their pricelist.

In any case, these would be ceiling rates for orders. In response to a RFQ for work in a lower-cost location, the vendor may quote discounted rates for the location. Or, you may (or shall for orders over the SAT) seek price reductions IAW FAR 8.405-4 based on the lower-cost location.

DOL wage determinations for the place of performance should be incorporated into the order. Ordering activities should verify that the order wage rates meet or exceed the wage determinations for the place of performance. Section 11 below has guidance to find the latest wage determinations on Beta.SAM.gov. Most SCA wage determinations are updated annually.

Final labor rates do not include overtime, which may be at a higher rate, if applicable.

SCA location applicability: Per 29 CFR 4.104; the SCA applies to all SCA labor category work performed within the United States. For purposes of the SCA, the term "United States" includes any State, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Johnston Island, and the Commonwealth of the Northern Mariana Islands. The SCA does not apply to work performed in any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

Note: The SCA is also referred to by its new name, Service Contract Labor Standards (SCLS).

Travel Costs: May be authorized IAW Schedule clause C-FSS-370 and are governed by FAR 31.205-46. The ordering activity CO should establish a separate CLIN for travel. The travel CLIN may be established as direct-reimbursable or a firm fixed-price basis. If looking for temporary staff from the local commuting area only, without travel costs, you may state so in your RFQ.

6.Small Business Size Standard

All SIN 561320SBSA vendors are small businesses. If a business exceeds the SBA size standard (\$30.0 million), they can maintain their small business designation until expiration of their GSA MAS contract. Upon expiration of their contract, the vendor may continue to the natural end date of the current customer's issued task order but may not accept new orders. The small business status, for the purposes of being listed as a small business on GSA Schedules, is based off of the preponderance of their work NAICS to determine business size. For some vendors, that may not be 561320 if the vendor offers a variety of products or services. In other words, in some cases, a vendor may be within the size standard for 561320 however if their preponderance NAICS is not 561320 and they don't meet the size standard of that NAICS, they may lose their small business designation at the conclusion of their contract.

7.Certifications and Licenses

Ordering activities must identify any required licenses or certifications required as a condition of employment in their SOW (Statement of Work). The ordering activity may elect to have the vendor provide fully certified and/or licensed personnel. The vendor may adjust its pricing based upon the direct costs. This may be negotiated prior to award (for a BPA) or at the Task Order Level. Since this is in addition to the pre-negotiated rates that GSA determined at the contract level in the pricelist, this should be addressed in any price reasonableness determination or similar document.

Examples: A requirement for temporary staff to have Top Secret Security Clearances or proof of Registered Nurse licensing from the State wherein services shall be provided.

8. Order Placement

The complete list of vendors for 561320SBSA is located on GSA e-Library. Vendors are further subcategorized in the groups listed above in Section 2 to further aid you in finding vendors for your requirement.

To find vendors during market research that offer the position you are trying to fill:

- On e-Library, click on the vendor name and then their pricelist icon where you will see the pricelist which lists the positions they offer.
- On e-Library, using the search box "Search Contractor T&Cs/Pricelist" on the right hand side of the screen and entering the position name.
- On e-Buy, by creating a RFQ and checking the box "Seeking Sources or information only." This makes the RFQ equivalent in nature to a "RFI/Sources Sought" on FBO/SAM Contract Opportunities, and, while still called a RFQ by name, is a RFI.

All temporary staffing services require a SOW and ordering procedures are contained in FAR 8.405-2. A brief summary of those procedures are below:

Micropurchase: One option is to locate vendors via www.gsaadvantage.gov; the online buying tool. Enter keywords of the temporary service being sought or labor classification to identify vendors. Orders may also be placed directly with the Temporary Help vendor, via purchase order or Government Purchase Card (GPC). If filling a position that is subject to the SCA, the SCA micropurchase threshold applies.

Micropurchase to below the SAT: GSA recommends using GSA e-Buy (www.ebuy.gsa.gov) to solicit quotes (RFQs) and issue task orders for temporary help against the temporary staffing SIN for orders; however, there are other methods available as well. At least three vendors should be selected and sent an RFQ.

Above the SAT: e-Buy use is mandatory for orders above the SAT. You may send the RFQ to all vendors on the SIN, or select as many as needed to obtain at least three quotes for a competitive order.

For orders, the Contracting Officer reviews quotes and makes an award determination based on best value as described in the evaluation criteria in the RFQ. Competition requirements are satisfied and potentially, socio-economic goals may be met as all vendors are small businesses.

Maximum Order Threshold: \$250,000 (Orders may be over this threshold if vendors are willing to submit a quote for the work. You must seek price reductions for all orders over the SAT.)

Geographic Area: Vendors have the geographic area they service in their pricelists. Many offer nationwide coverage, but not all. The place of performance should fall within the geographic area of the vendor's pricelist. See pricing considerations due to nationwide coverage in Section 5 of this guide.

Personal Services: Services furnished by temporary help firms shall not be regarded or treated as personal services (FAR 37.112).

9. Payment and Administration

Payments can be made by Government Purchase Card (GPC), Purchase Order or other ordering activity method. Payment for Temporary Services is generally 30 days, unless otherwise agreed upon. FAR 52.212-4 and the Prompt Pay Act apply for all orders. Contracting Officer's Representatives (COR) are urged to inspect and accept hours/work products to subsequently approve invoices in a timely manner to avoid interest charges. Payments are subject to Prompt Payment Discount terms, if offered.

The vendor is responsible for all human resources, pay, supervision, and performance evaluation aspects of the temporary employee. Agencies give technical and task-related instructions to temporaries and assign tasks based on the SOW and review work products of temporaries. Issues with temporary employees should be brought to the attention of the vendor.

10. How to Find and Verify Wage Determinations (WD):

- Go to <https://beta.sam.gov/search?index=wd>
- If WD number is known, enter it in the search box on the top of the page or in the “keywords” box on the left-hand side of the page after scrolling down
- If WD is unknown, scroll down and click “I need SCA”
- Select the State and County in the drop down boxes box on the left-hand side of the page
- Answer the 2 SCA questions below the location boxes
- The Wage Determination is displayed to the right of the page, with a link to the WD as the WD number
- The Wage Determination should end in an odd-number for GSA schedule orders

Note: To receive automatic notifications from beta.SAM.gov when an SCA or DBA Wage Determination (WD) changes, once logged into beta.SAM.gov, users can subscribe to automatic notifications by clicking on “Follow” located within each WD record.

11. Resources and Links

- For general questions, contact:

1. GSA National Customer Service Center
2. Phone: 1-800-488-3111
3. E-mail: mashelpdesk@gsa.gov

OR your local GSA Customer Service Director (www.gsa.gov/csd)

- **5 CFR E - Use of Private Sector Temporaries:**

<https://www.govinfo.gov/content/pkg/CFR-2017-title5-vol1/pdf/CFR-2017-title5-vol1-part300-subpartE.pdf> (Subpart E only)

- **GSA e-library SIN 561320SBSA (including vendor list):**

<https://www.gsaelibrary.gsa.gov/ElibMain/home.do> (type 561320SBSA in search box)