

JOC insights

Publication From The **Owners' Advisory Council**

Prevent Steering of Job Orders

As a government employee, consultant serving as an agent, or a contractor involved in the procurement and acquisition process, you play an important role in preserving the integrity of Government contracting and assuring fair treatment of bidders, offerors, and contractors.

Everyone involved in the JOC process must comply with the government policy and procedures. Each individual job order within a master Job Order Contract serves as an individual contract for each project's specific scope of work. The job orders must be treated with the same adherence to law as any other government contract. Awarding individual job orders when a JOC program has multiple awardees needs framework to prevent the appearance of steering.

It is perfectly acceptable to align with Best Practices by awarding job orders based on performance. That said, it is important that the guidelines of the performance-based awards are clearly outlined in the solicitation and contract documents so that purchasers, users, agents, and contractors know what to expect and how to conduct themselves. It is also important to note that having procedures for JOC does not necessarily guarantee awardees equal work. JOC was developed to include Key Performance Indicators while utilizing the rating as a factor in awarding future job orders.

We recommend every public owner develop a framework and workflow process that identifies how each job order will be assigned to the contractors. If you have a multiple award JOC, not only can you achieve compliance but you can establish a solid foundation for JOC success. If a JOC program consultant is involved or serves as an agent, provide them with your specific framework so they follow your government compliance procedures. The compliance flows down to all contract awardees regardless of product or services provided.

The Department of Justice routinely handles cases involving steering. As reported in a recent case, the Special Agent stated that "By engaging in cronyism and contract-steering, this defendant chose to reward a friend with government projects." He continued by stating "The American taxpayer expects them to execute their duties and obligations conscientiously and in a dispassionate, fair manner that puts public good ahead of private gain," stated the Special Agent in Charge (Schofield) of the U.S. Department of Justice.

We recommend every owner implement their own internal framework and process that identifies how each job order will be let to the contractors in a multiple award JOC program. If you have a multiple award JOC, implementing a "round robin" method or a performance merit system can achieve compliance. Charting the procedures for assignment is specifically the agency's duty for compliance. If a consultant is involved and serves as an agent or makes recommendations, provide them with your framework and process so they follow your specific government compliance procedures. In the end, everyone wins if strong procedures are provided and all parties involved understand the legal responsibility to prevent steering of any work under any government contract.

In summary, document the framework for job order assignments to demonstrate your compliance. A highly structured program attracts the highest caliber JOC contractors to your program. Need help? Contact the Center for JOC Excellence and we can connect you with someone on the Owners' Advisory Council that has a similar program.

Compliance is an ongoing initiative for all government contracts



Owners' Advisory Council

Rami R. Natour, CJP, OAC Chair, Facilities Management Program Manager, DES Facilities Management Bureau, Arlington County, VA

Michael E. Bevis, JD, CPPO, CPSM, CPM, CJP, Assoc. DBIA, Purchasing Agent, City of Norfolk, VA

Rick Gehrke, CJP, OAC Vice Chair, Assistant Director of Capital Programs, North Kitsap Schools, Poulsbo, WA

Katrina Knight, CCP, LEED AP BD&C, Senior Estimator, Capital Programs Delivery, MARTA, Atlanta, GA

David L. Kruse, Cost Estimator Project Manager, University of Texas at Austin, Project Management & Construction Services, Austin, TX

Teenchee Le, PE, Job Order Contracting, San Francisco Public Works, San Francisco, California

Delois Moore, MPA, CJP, Senior Procurement Officer, City of Kansas City, MO

Matt Mosher, Deputy Chief Capital Construction, Chicago Housing Authority, Chicago, IL

James G. Norcom III, PE, CJP, FMP, Principal Project Manager, University of Houston, Houston, TX

Benjamin Sitzia, CEM, CJP, Sr. Project Manager, University of Texas at Austin, Austin, TX

Patricia Taylor, Chief of Operations, Illinois Tollway, Downers Grove, IL