

Federal Acquisition Regulation (FAR); FAR Case 2011-018; Positive Law Codification of Title 41

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to conform references throughout the FAR to the new Positive Law Codification of Title 41, United States Code, "Public Contracts."

Final Rule Published July 2014

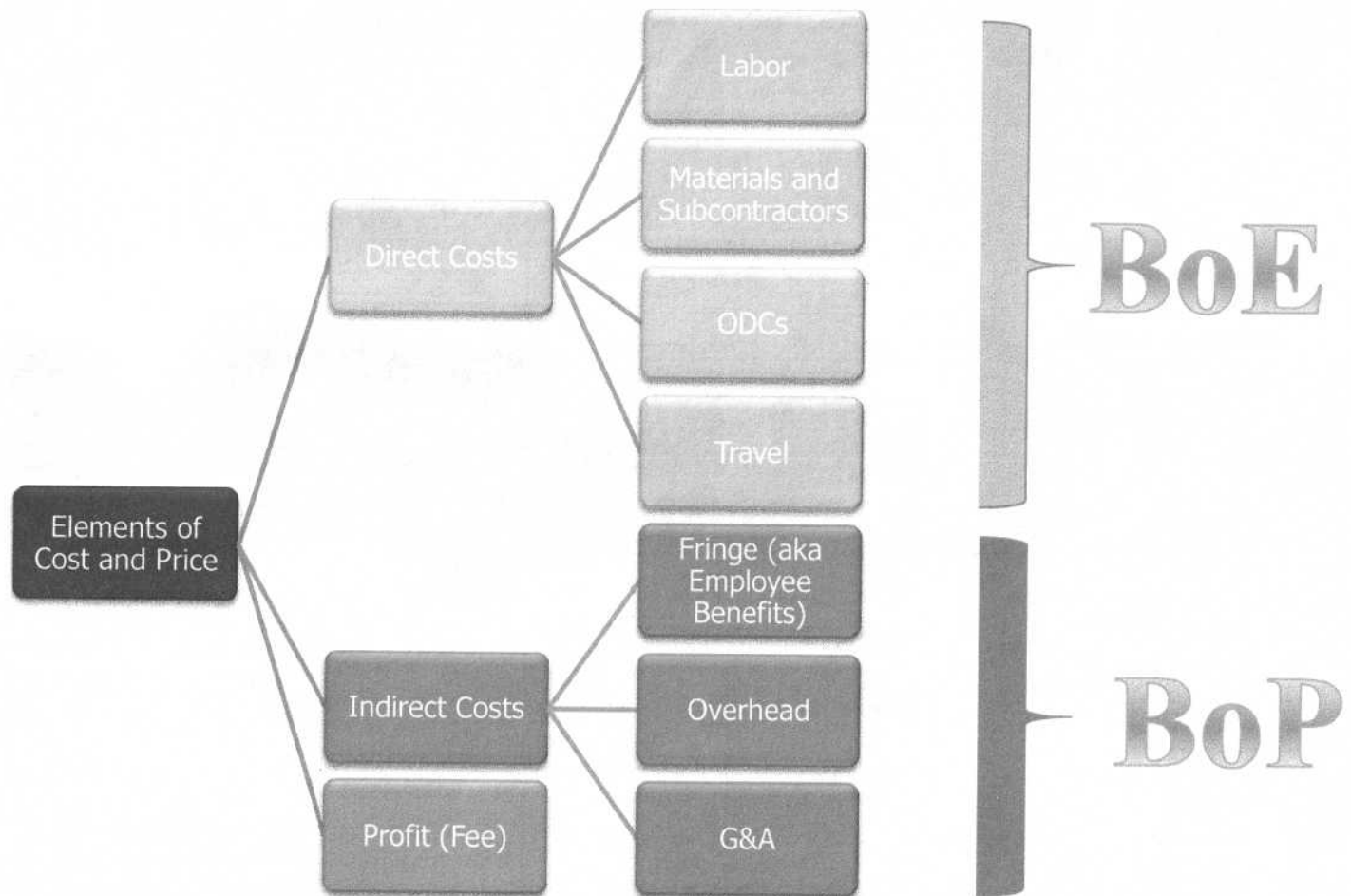
There are three types of changes throughout the FAR, including some standard forms:

- A. Change to the citation (*e.g.*, "41 U.S.C. 10a-10d" now reads "41 U.S.C. chapter 83").
- B. Change to the popular names of the Acts (*e.g.*, the "Service Contract Act of 1965" is now the "Service Contract Labor Standards statute"). A table providing the popular names of the Acts, the present statutory citation, and the new titles of the statutes is proposed at FAR 1.110. This table covers Acts under both titles 40 and 41.
- C. Changes to terminology which did not involve substantive changes to the meaning of the statutes. The changes are summarized in the following table:

The following table provides cross references between the historical titles of the acts, and the current reference in title 40 or title 41. Show citation box

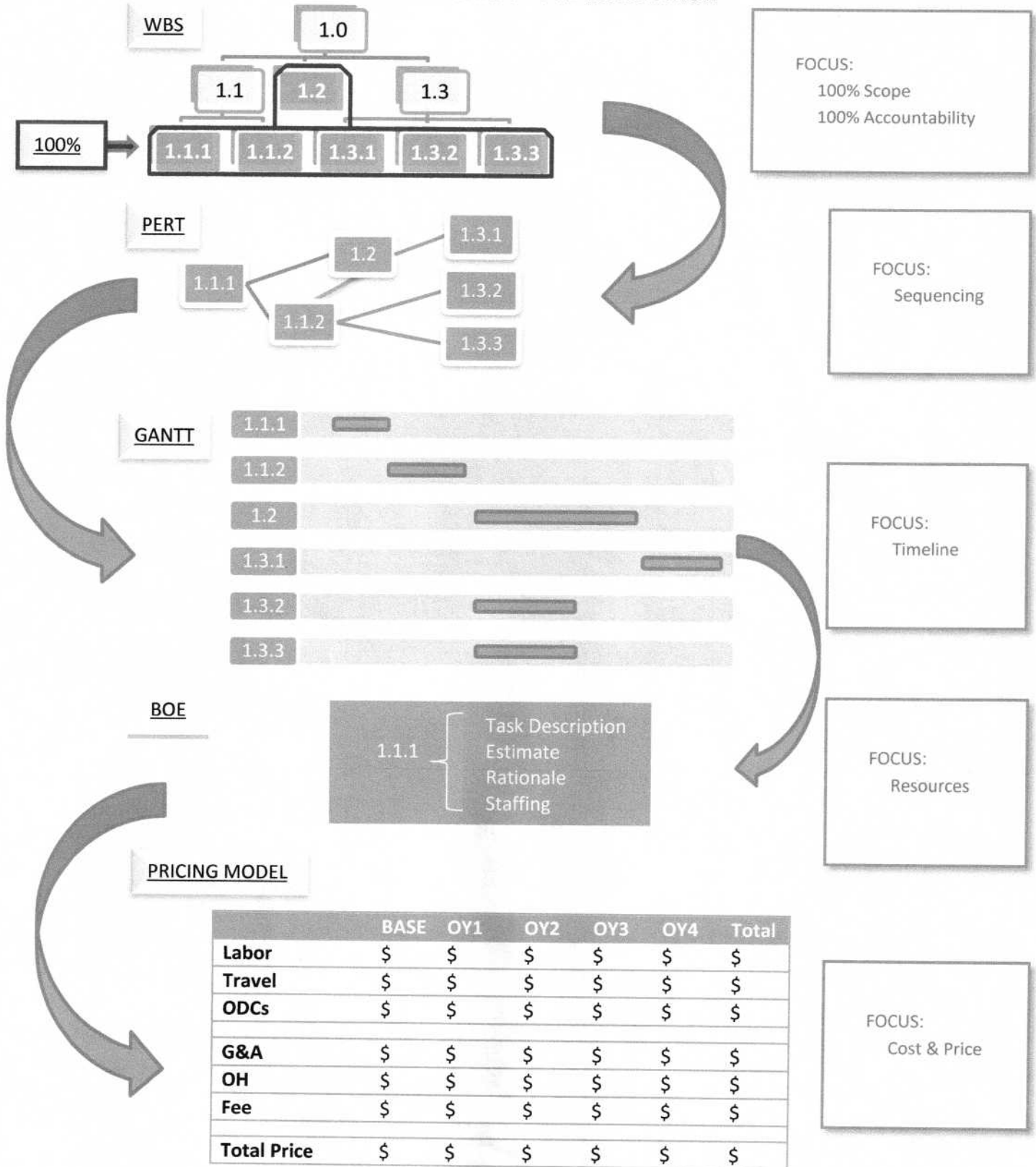
Historical title of Act	Division/chapter/subchapter	Title
* Except sections 3302, 3501(b), 3509, 3906, 4710, and 4711.		
** Except sections 1704 and 2303.		
Anti-Kickback Act	41 U.S.C. chapter 87	Kickbacks.
Brooks Architect-Engineer Act	40 U.S.C. chapter 11	Selection of Architects and Engineers.
Buy American Act	41 U.S.C. chapter 83	Buy American.
Contract Disputes Act of 1978	41 U.S.C. chapter 71	Contract Disputes.
Contract Work Hours and Safety Standards Act	40 U.S.C. chapter 37	Contract Work Hours and Safety Standards.
Davis-Bacon Act	40 U.S.C. chapter 31, Subchapter IV	Wage Rate Requirements (Construction).
Drug-Free Workplace Act	41 U.S.C. chapter 81	Drug-Free Workplace.
Federal Property and Administrative Services Act of 1949, Title III	41 U.S.C. Div. C of subtitle I*	Procurement.
Javits-Wagner-O'Day Act	41 U.S.C. chapter 85	Committee for Purchase from People Who Are Blind or Severely Disabled.
Miller Act	40 U.S.C. chapter 31, subchapter III	Bonds.
Office of Federal Procurement Policy Act	41 U.S.C. Div. B of subtitle I**	Office of Federal Procurement Policy.
Procurement Integrity Act	41 U.S.C. chapter 21	Restrictions on Obtaining and Disclosing Certain Information.
Service Contract Act of 1965	41 U.S.C. chapter 67	Service Contract Labor Standards.
Truth in Negotiations Act	41 U.S.C. chapter 35	Truthful Cost or Pricing Data.
Walsh-Healey Public Contracts Act	41 U.S.C. chapter 65	Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000.

# Elements of Cost and Price

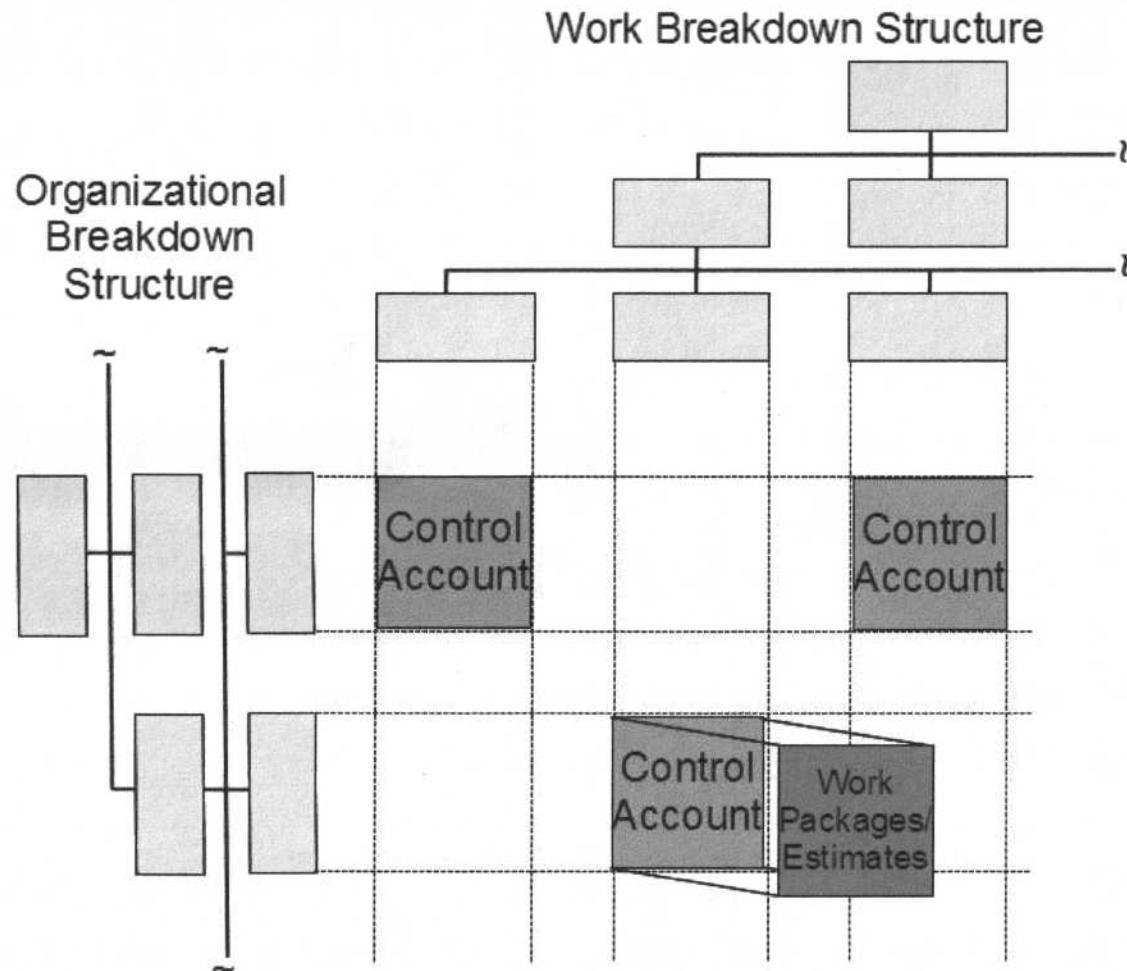


*Cost Estimation and BoEs are Focused on Direct Costs*

**WBS—PERT—GANTT—BOE INTEGRATION**



# Theory: WBS - OBS - RAM



*Many Programs do not have Control Accounts and Work Packages*

# WBS Development Techniques

## ❖ Primary

- Decomposition
- Synthesis

## ❖ Secondary

- Analogy (Borrowing)
- Brainstorming

## ❖ **WBS is often formed from the use of multiple techniques (Hybrids)**

*WBS Principal 2: If the customer gives you a WBS, use it!*

# Estimation Methods Summary

Method	Advantages	Disadvantages	Application
<b>Analogy</b>	<ul style="list-style-type: none"> <li>Inexpensive</li> <li>Easily changed</li> <li>Based on actual experience (of the analogous system)</li> </ul>	<ul style="list-style-type: none"> <li>Truly similar projects must exist and can be hard to find</li> <li>Estimators have to make subjective evaluations of the cost impact of the differences between old and new systems</li> <li>Large amount of uncertainty</li> <li>Must have detailed technical knowledge of program and analogous system to make valid comparisons</li> </ul>	<ul style="list-style-type: none"> <li>When few data are available</li> <li>Rough-order-of-magnitude estimate</li> <li>Cross-check</li> </ul>
<b>Parametrics</b>	<ul style="list-style-type: none"> <li>Once created, CERs are fast and simple to use</li> <li>Easily changed once collection mechanism is established</li> <li>Seen as objective once statistically verified</li> </ul>	<ul style="list-style-type: none"> <li>Relies upon large quantities of normalized data</li> <li>Creation is not easy; few relationships can be abstracted to a single-variable</li> <li>Does not provide access to subtle changes</li> <li>Stable relationships as a top level may have much more volatility when decomposed</li> <li>Have to be properly applied to what you are estimating</li> <li>Must be maintained – external forces change CERs over time</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary estimates</li> <li>Design-to-cost trade studies</li> <li>Cross-check</li> <li>Baseline estimate</li> <li>Cost goal allocations</li> </ul>
<b>Expert Opinion</b>	<ul style="list-style-type: none"> <li>Quickly created</li> <li>Engineer's comfort zone</li> </ul>	<ul style="list-style-type: none"> <li>Not substantiated by objective fact</li> <li>Generally not accepted</li> </ul>	<ul style="list-style-type: none"> <li>When there are no viable alternatives</li> </ul>
<b>Engineering Buildup</b>	<ul style="list-style-type: none"> <li>Encourages detailed understanding of the project</li> <li>Can be more accurate than other methods</li> </ul>	<ul style="list-style-type: none"> <li>Less helpful during concept and design stages</li> <li>Defining detailed information tends to be time and cost intensive</li> <li>Historical data is not always available to support these estimates</li> <li>There is a tendency to rely extensively on expert opinion</li> </ul>	<ul style="list-style-type: none"> <li>Production estimating</li> <li>Software development</li> <li>Negotiations</li> </ul>
<b>Extrapolation From Actuals</b>	<ul style="list-style-type: none"> <li>Very quick to develop once supporting data are available</li> <li>One of the most accurate cost estimating methods because it is based on actual costs</li> </ul>	<ul style="list-style-type: none"> <li>Actual costs are not available until late in the acquisition process</li> <li>Applicable domain is limited to developed or integrated systems and commoditized services</li> <li>Difficult to apply outside of currently executing or follow-on contracts</li> </ul>	<ul style="list-style-type: none"> <li>Very quick to develop once supporting data are available</li> <li>One of the most accurate cost estimating methods because it is based on actual costs</li> </ul>
<b>Commercial Price List</b>	<ul style="list-style-type: none"> <li>Pre-defined</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>	<ul style="list-style-type: none"> <li>Where required or allowed</li> </ul>
<b>RFP Specification</b>	<ul style="list-style-type: none"> <li>Client Specified</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>	<ul style="list-style-type: none"> <li>Where specified by RFP</li> </ul>
<b>Level of Effort</b>	<ul style="list-style-type: none"> <li>Exacting conditions</li> </ul>	<ul style="list-style-type: none"> <li>NA</li> </ul>	<ul style="list-style-type: none"> <li>Where required by physical conditions of the defined work</li> </ul>

## BoE Structural Data Needs – Part 1

<b>Data Need</b>	<b>Common Source</b>	<b>Description</b>
<b>Work Breakdown Structure</b>	Management and/or technical team	Work Breakdown Structure to the level either required by the RFP or to the level needed to build estimates and BoEs
<b>Calendar &amp; Holiday Schedule</b>	Pricing	Calendar to be used for the program and the holidays that will be used. Note: WD/SCA/UW employees are governed by the appropriate regulations and negotiated agreements.
<b>Periods of Performance; Fiscal Year Definition</b>	Proposal/Pricing	Periods during which work is performed
<b>CLIN Structure</b>	Derived from RFP	CLINs as specified by the proposal
<b>CDRLs</b>	Derived from RFP	CDRLs to be delivered
<b>Labor Categories (WD/SCAs/UW Identified)</b>	Pricing/HR/Capture	Labor Categories used for the program
<b>Assigned Personnel</b>	Pricing/HR/Capture	Individuals assigned to the project (named personnel).
<b>Locations</b>	Pricing/Capture	Locations where work will be performed
<b>Organizations</b>	Pricing Capture	Internal organizations performing work
<b>Teammates (Teaming Agreements)</b>	Capture Manager	List of Teammates; include specifics of teaming agreements that affect allocation of functions, labor categories, or hours to particular teammates

**BASIS OF ESTIMATE (BOE)**

<b>Administrative</b>	RFP NO.: XXXXX-XI-X-XXXX		RFPName		XXXX XXXX			
	CLIN: ---		--Multiple--					
	Sample Task Order: TO 001							
	WBS: 01.01.01. TO Management Plan		CPFF		O&M			
	Period of Performance: Contract Term		FromPeriod		7/1/2012	ToPeriod	6/30/2017	
	Estimation Author: Cost Author 001		Sol Author: Author 001					
Date Prepared: 5/2/2011								
<b>Work Scope</b>	Task Description: Task Description							
	RFP References: RFP Reference							
	Deliverables: Deliverables							
	Assumptions: Assumptions							
<b>Estimate Data</b>	BOE Rationale: Rationale							
	Identified Risks: Risks							
	Calculations		Equations		Factors			
		Equation		Factor explained				
<b>Labor</b>	<b>LABOR</b>							
	<i>Labor Category</i>	<i>Staff Name</i>	<i>Company</i>	<i>Start Date</i>	<i>End Date</i>	<i>Location</i>	<i>Organization</i>	<i>Total Hours</i>
	Program Manager	Joe Employee	Company 001	7/1/2012	6/30/2013	Location 001	Organization 001	1,200
	Program Manager	Jane Employee	Company 002	7/2/2012	7/1/2013	Location 001	Organization 001	1,920
	<b>TOTAL LABOR:</b>							3,120
<b>Travel</b>	<b>TRAVEL ODCs</b>							
	<i>Travel Reason</i>	<i>From-To</i>	<i>Company</i>	<i>Start Date</i>	<i># of Pers/Trip</i>	<i># of Trips/Pers</i>	<i># of Nights/Pers</i>	<i># of Cars/Trip</i>
	Travel Reason	FromLocation-ToLocato	Company 001	7/3/2012	1	1	1	1
<b>ODCs</b>	<b>MATERIALS/OTHER DIRECT COSTS (ODCs)</b>							
	<i>Description (ie: Shipping, Postage, Equip Rental/Leasing, etc.)</i>			<i>Delivery</i>		<i>Company</i>	<i>Qty</i>	
	Item to Buy			<i>Start Date</i>	<i>End Date</i>	Company 001	11	
			7/1/2012	8/5/2012				

**General Instructions:**

1. Each file is designed for the BOE for one WBS. Please name the file uniquely using the Sample Task Order number and the WBS number e.g., STO.001.WB.S01.01.01.xlsm Note that, by convention I use 2 digits for each level of the WBS. This helps avoid both formatting and sorting issues.
2. Fields in this form use mostly pull-down selections or are multi-line free text. Most of the labels for the fields have definitions for what go in them. Hover over the label; to see it.
3. Multiline fields all have text wrap and can be treated as paragraphs. You can insert lines in these fields. But we recommend not deleted lines.
4. Please do not insert or delete columns and do not move fields as this is how the system knows how to parse the data in the form.



Administrative Data

RFP No, Program Name, Sample Task Order  
WBS Number and Name  
Period of Performance  
Optionally  
Estimator and/or SME Name  
Date Prepared

Work Scope Data

Task Description  
Describes what work will be done under this WBS  
References to RFP Documents  
SOO, PWS, SOW, TRD, SRD  
Deliverables  
Assumptions and Constraints

Estimate Data

Rationale  
Identified Risks  
Data Sources  
Planning Factors or Cost Drivers  
Calculations

Resource Allocation Data

Labor Resources  
Labor Resource: Category, Schedule, Individual  
Companies and Organizations  
Time-phasing  
Locations

Travel

Travel Purpose  
Companies and Organizations  
Time-phasing  
Locations  
How Often  
How Long  
Transportation

Materials and ODCs

BOM, Material, ODC, Identification  
Buying Companies and Organizations  
Time-phasing  
Delivery Locations  
Quantities

**KEEP IN MIND**

- Best to provide more vs. less information
- Assume reader knows nothing about what is being estimated.
- Include step-by-step instructions for how the estimate was developed.
- Aim to provide enough information for the estimate to be recreated by a cost analyst independent of the team.
- Most users of the documentation will either be updating the estimate at a later date or will rely on data for estimating an analogous system.



BASIS OF ESTIMATE (BOE)

RFP NO.: WEXAT-99-RA999

CPFF

RFP Name

Example Contract

CLIN: 0001

Sample Task Order: STO 001

WBS: 01.02.02: Installation Requirements Drawings (SDD)

From Period

10/1/2013

To Period

CPFF

9/30/2016

--Multiple--

Period of Performance: Contract Term

Estimation Author: Author 001

Sol Author: Author 001

Date Prepared: 7/15/2013

MATERIALS/OTHER DIRECT COSTS (ODCs)

Description (e: Shipping, Postage, Equip Rental/Leasing, etc.)

Start Date

End Date

Company

Qty



**BASIS OF ESTIMATE (BOE)**

RFP NO.:	WEXAT-99-R-A999	RFPName	Example Contract			
CLIN:	0001	CPFF				
Sample Task Order:	STO 001					
WBS:	01.04.01. Program Mgt Planning, Integration & Administration				CPFF	--Multiple--
Period of Performance:	Contract Term	FromPeriod	10/1/2013	ToPeriod	9/30/2016	
Estimation Author:	Author 001	Sol Author:	Author 001			
Date Prepared:	7/15/2013					
<b>TOTAL LABOR:</b>						1,323

<b>TRAVEL ODCs</b>				# of	# of	# of	# of
Travel Reason	From-To	Company	Start Date	Pers/Trip	Trips/Pers	Nights/Pers	Cars/Trip

<b>MATERIALS/OTHER DIRECT COSTS (ODCs)</b>				
Description (ie: Shipping, Postage, Equip Rental/Leasing, etc.)	Delivery		Company	Qty
	Start Date	End Date		

BASIS OF ESTIMATE (BOE)						
RFP NO.:	WEXAT-99-R-A999	RFPName	Example Contract			
CLIN:	0001	CPFF				
Sample Task Order:	STO 001					
WBS:	01.03.06.01 Website Development and Maintenance					CPFF --Multiple--
Period of Performance:	Contract Term	FromPeriod	10/1/2013	ToPeriod	9/30/2016	
Estimation Author:	Author 002	Sol Author:	Author 001			
Date Prepared:	7/15/2013					

**Task Description:** The Offeror will present an implementation plan to consolidate existing 653 CLIENT web sites into two unified sites, one on NIPRNet and one on SIPRNet, in order to eliminate duplication of functionality across existing disparate program sites. The plan must comply with all applicable AF and DoD regulations (Attachment 5) and must be Public Key Enabled (PKE) based on the DoD PKI infrastructure. The sites must, at a minimum, provide functionality to enable distribution of documentation, software and software patches, working group information and status information related to program activities. The site must also contain discussion forum and feedback functionality accessible by system users in the field. The site design plans must make maximum utilization of existing CLIENT web infrastructure. (CDRL A001)  
 No later than 90 calendar days after the approval of this plan, the Offeror will implement the approved systems and complete transition of any content identified by the responsible program from existing web sites over to the new systems.  
 The Offeror will fulfill day to day content management responsibilities of all existing 653 CLIENT individual program websites beginning immediately after contract award, and will continue as content manager and site manager for the unified 653 CLIENT sites after implementation. Content management responsibilities include those tasks normally associated with a "webmaster" including user account and access issues, monitoring and control of discussion forums, posting and removal of program related documentation, notices, software, patches, Kits, etc. Site manager responsibilities include continuing site development and expansion.

**RFP References:** STO 1

**Deliverables:** CDRL A001 DI-MISC-80711A/T Scientific and Technical Reports/Website Consolidation Plan.

**Assumptions:** The Government will provide 8x5x business day access to facilities at CLIENT SITE for use in support of this objective. The Government will provide a PKE overview briefing, including contact information for the CLIENT PKI program office, as GFI.

**BOE Rationale:** Estimate equates to:  
 We expect to maintain the consolidated web site during option year 2. We expect the period of performance will be January 1, 2009 – December 31 2009.  
 a. We expect the content manager duties are best performed by a Programmer I. Duties will include user account/access issues, monitoring/control of discussion forums, posting/removal of program related documentation, notices, software, patches, and kits. We expect it will take a the content manager 16 hours per week to perform these duties. Staff requirement for one full year: 16 hours per week X 52 weeks = 832 hours.  
 b. During option year 1, we expect continued site development and expansion of website will require 8 hours of Programmer II time per week. Programmer II: 8 hours X 52 weeks = 416 hours.

**Identified Risks:** None Identified.

**Equations**  
**Calculations** 16 [hours] \* 52 [weeks per year] = 832 [hours]  
 8 [hours] \* 52 [weeks per year] = 416 [hours]

**Factors**  
 Programmer I  
 Programmer II

LABOR							Total Hours
Labor Category	Staff Name	Company	Start Date	End Date	Location	Organization	
Programmer II	George Custer	COMPANY	10/1/2013	9/30/2014	Location 001		416
Programmer I	Robert Meade	COMPANY	10/1/2013	9/30/2014	Location 001		832
<b>TOTAL LABOR:</b>							1,248
<b>TRAVEL ODCs</b>			# of	# of	# of	# of	

BASIS OF ESTIMATE (BOE)									
RFP NO.:	WEXAT-99-R-A999		RFPName		Example Contract				
CLIN:	0001		CPFF						
Sample Task Order:	STO 001								
WBS:	01.03.06.01 Website Development and Maintenance		CPFF		--Multiple--				
Period of Performance:	Contract Term		FromPeriod	10/1/2013	ToPeriod	9/30/2016			
Estimation Author:	Author 002		Sol Author:		Author 001				
Date Prepared:	7/15/2013								
<i>Travel Reason</i>	<i>From-To</i>	<i>Company</i>	<i>Start Date</i>	<i>Pers/Trip</i>	<i>Trips/Pers</i>	<i>Nights/Pers</i>	<i>Cars/Trip</i>		
<b>MATERIALS/OTHER DIRECT COSTS (ODCs)</b>			<i>Delivery</i>						
<i>Description (ie: Shipping, Postage, Equip Rental/Leasing, etc.)</i>			<i>Start Date</i>	<i>End Date</i>	<i>Company</i>	<i>Qty</i>			





**BASIS OF ESTIMATE (BOE)**

RFP NO.:	W15P7T-13-R-A204	RFPName	Technical Information Engineering Services (TIES)				
CLIN:	---	--Multiple--					
Sample Task Order:							
WBS:	01.01.01. RCID Hardware					CR	--Multiple--
Period of Performance:	Contract Term	From Period	10/31/2013	To Period	10/30/2016		
Estimation Author:	Sol Author: _____						
Date Prepared:	5/2/2011						
TEM#1	FZY-IAD	SubContractor001	12/15/2013	1	1	1	1
TEM#2	FZY-IAD	SubContractor001	4/1/2014	1	1	1	1
<b>MATERIALS/OTHER DIRECT COSTS (ODCs)</b>			<i>Delivery</i>				
<i>Description (ie: Shipping, Postage, Equip Rental/Leasing, etc.)</i>			<i>Start Date</i>	<i>End Date</i>	<i>Company</i>	<i>Qty</i>	

# Writing WBS Task Descriptions

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*Our goal in the task description is to not only to define the work but also begin to make the argument that we know how to do this work. Essentially this is about establishing your credibility and expertise but it may also be about ghosting your competition by attempting to show that you are the only expert who can properly understanding this work.*

*In the task description, include a brief definition of the WBS element (product, function, deliverable, etc.) associated activities, milestones, and other information such as performance measurement criteria, inputs needed and dependencies with other WBS elements. Technical detail may be useful if it helps to better delineate the task, increase your credibility, or establish a differentiator in terms of your understanding versus that of the competition.*

*Be careful in knowing too much, however. Task descriptions define the scope of the work. This is one place where being an incumbent or being overly familiar with the work itself can have a negative effect. Your task description should be based on the work as defined in the RFP and associated documents (Statement of Objectives (SOO), Statement of Work (SOW), Technical Requirements Document (TRD), System Requirements Document (SRD), System/Subsystem Specification (SSS), etc.). Not addressing all the work in the RFP will cause the scope to be underestimated which can lead you to be deemed unrealistic. Adding more work because you "know what it takes" will cause the scope to be overstated and likely the estimate as well which leads you to be uncompetitive. Achieving the correct balance can be difficult and is incredibly important.*

*One interesting idea when you do have a more complete understanding of the work than is expressed in the RFP document is to state explicitly explain the additional tasking to show that you know about but you did not include it since it was not requested. You must be careful in doing so; it is important not to come across as insulting to the customer; we find that using a mater-of-fact approach achieves the best results.*

*While you may also put this in the rationale section, this can also be a good place to reveal where you have done similar work previously and to establish how similar that work is to the work you are bidding.*

*Finally remember that the task description must be in concert with your other responses to the RFP (e.g., Technical Volume, Management Volume, or equivalents). The worst scenario is for a customer to find that the scope of work estimated is not that same as the scope of work for which a solution is proposed. This can cause the BoE in question to be considered non-compliant or unrealistic and can damage the credibility of all estimates.*

# Assumptions and Constraints

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*Assumptions are an integral part of developing basis of estimates. Assumptions are used to replace information which is not available as part of the RFP or not revealed during the interactions one has with the acquisition community as part of the RFP process. Assumptions usually have some available factual bases which are often derived from the estimators experience with similar projects or clients but which are not 100 percent certain. They serve the purpose instead of allowing the development of the estimate to proceed and be presented in the context of the defined assumptions. In all cases, the alternate would be to either not develop the estimate or to develop it using undocumented and thus unconstrained premises.*

*Constraints are a little bit different. In general, constraints limit an estimate by setting boundaries on aspects such as size, duration, productivity, and usability. Constraints tend to exist as a result of circumstances or events which often are external to the specific effort being estimated (for example, work must be complete by a specific but arbitrary date). In reality all contract or CLIN start and stop dates are a form of constraint but you should not document them as such unless they materially constrain the estimate (i.e., in a development effort which must be complete by the end of the contract but which would normally take longer, the duration is a valid constraint – it will cause the normal schedule to be shortened and probably both the risk and effort should be increased assuming it work is viable at all.*

*Notably, assumptions and constraints can change all aspects of the estimate to include but not limited to the size of the effort, the duration, the level of effort, and the mix of labor categories.*

*Sizing parameters are most often the subject of assumptions. For example, if the requirements do not tell you how many servers you must manage under a server management task, you usually have to make an assumption in this regard. On the other end of the spectrum, the effort it takes to do an instance of any task is and should be least often the subject of an assumption. Your perspective must be that assumptions are made for information that the client should have provided you in a perfect world – not that which you should be able to provide.*

*Duration or scheduling is a significant cost-related assumption and one that is the most difficult to get right. Its significance lies in that, for many types of work estimates, most every other assumption relies in part on timing. The difficulty lies in accurately determining the duration a project or task will require. An inaccurate assumption has the potential to make broad impacts on the estimates for multiple tasks.*

*Duration and level of effort are correlated factors in the sense that assumptions or constraints made on one can often affect the other. For example, in an alternate of our constraints example, perhaps the factors that is constrained or that you have had to assume is the number of people that can work on the task; in many cases this will cause a change in the duration of the task.*

*The mix of labor categories or skill levels may also be the subject of assumptions or constraints and, as a result, may have an effect on other dimensions such as size, duration, and level of effort. For example, assuming you may perform work with less skilled labor may*

*indeed reduce cost on a per unit basis, but it may also lengthen the duration to complete the overall task and may, in fact, actually cause it to cost more as a result.*

*Understanding the interaction of factors when making assumptions is critical to the development of estimates and to creating a reasonable basis for them.*

*To complete this discussion of assumptions and constraints, we need to include the related topic of ground rules. Typically ground rules are a common set of agreed upon guidelines used for estimating purposes. As an example, the number of hours in a person-year may be considered a ground rule. Almost by definition, the entire technical baseline is also a ground rule. When ground rules change, estimates may also change in the fashion of interplay of factors as discussed previously. However, for purposes of BoEs, ground rules are usually defined outside of the BoE and need only be mentioned if a particular characteristic has an unobvious impact on the estimate.*

DRAFT