

Team Approach to Managing Indefinite Delivery/Indefinite Quantity Contracts

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Indefinite delivery/indefinite quantity (IDIQ) contracts have become increasingly prevalent in recent years, as they provide the government an opportunity to more easily execute Task Orders with varying scopes of work with relatively minimal additional administrative work. However, IDIQ contracts present unique challenges for institutions of higher education given the associated administrative responsibilities. As a result, institutions should use a team-driven approach to ensure that they have the necessary resources and expertise to apply for and administer these contracts so as to benefit from the mechanism's flexible nature.

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Contract Application

At application stage, the involvement of several key players is necessary, whose roles carry on through the life of the project.

The Principal Investigator (PI) is the primary point of contact for scientific or technical aspects of the application, who is responsible for identifying collaborators, outlining the scientific needs, and providing budget development or input.

The department administrator or project manager (PM) may assist the PI in gathering necessary information, and can further act as a bridge between the PI and central institutional offices in the development of the business component of the application. The PM may also assist the central office with budget development, as well as assemble the full application for review by the central office as required.

The Sponsored Programs Office (SPO) is responsible for proposal management and pre-planning for potential issues, which involves a host of important activities that include:

- Reviewing proposed contract terms for possibly problematic terms
- Determining if any special considerations or additional information need to be included in the institution's application
- Assessing the budget and troubleshooting any potential budgetary issues early in the process

The SPO may also liaise with the institution's Information Technology (IT) Office regarding the level of security required for the project, and should also facilitate discussions among appropriate institutional representatives directed to administration of the contract should an award result. It can be advantageous to assign a team of responsible individuals within the SPO early on in the process to more efficiently navigate the complex cycle of these projects and facilitate any required approvals prior to submission.

Once looped in, the IT Office is able to comment on the institution's ability to comply with FISMA (Federal Information Security Management Act), as well as any other IT-related restrictions or requirements arising under the proposal and subsequent award.

Finally, other institutional offices and departments may need to be included as part of the overall proposal management team. For example, Privacy Officers can determine if any activities may require a secondary review with respect to research involving human subjects or associated data. Legal departments may review the proposed contract if that authority does not reside within the SPO, and the Technology Transfer Office might comment on the proposed intellectual property terms and discuss their possible impact with the PI. An Institutional Risk Officer may be needed to assess the project as a whole, while the Purchasing Department supports the development of a Small Business Subcontracting (SBS) plan, in addition to helping identify proposed vendors. Finally, the Asset Management Office can potentially address any equipment needs.

Overall, the more that all appropriate individuals are aware of the project and its related requirements at the proposal stage, the more likely it is that potential issues will be minimized upon inception of the work itself, creating more effective project implementations and reducing approval times.

Contract Negotiation

While much of the heavy lifting occurs at the proposal stage, the negotiation and execution of the resultant contract requires significant project team involvement to avoid delays and complications.

Upon receipt of the contract, the PI should weigh in regarding any changes to the project scope and budget, and communicate with the appropriate institutional representatives to ensure that the study is not unduly compromised. The PM can step in to assist the PI in obtaining any revised documents from collaborators, while further coordinating with the various central office team members to revise documents for the best and final offer submitted by the SPO. As the various team members work to finalize the contract, the PI generally liaises with IT and the various internal regulatory offices to obtain any necessary approvals and prepare for any required actions in anticipation of the award.

Contract Administration

Once an IDIQ award is received, the complexity of these particular types of such arrangements begins to truly unfold, requiring a significant level of team collaboration throughout the lifecycle of the contract.

Not surprisingly, during the performance of the research activities, the PI plays a critical role in ensuring that the project meets the requirements of the Statement of Work and the timeline for deliverables, all the while keeping the award's Program Officer up to date on the project's progress. A PI must generally work with both internal and external collaborators to ensure that project needs are being met, including, for example, approving expenditures related to the project. Additionally, as the work is performed, the PI will usually determine whether subsequent task order applications should be pursued, which would require reinitiating the application process as needed while existing task orders continue.

With so many moving parts, the PM and PI must work closely with the other team members to ensure that the technical and administrative aspects of the project remain compliant with the terms of the award. The PM and

SPO should ensure that all appropriate offices are aware of any reporting requirements and coordinate to ensure any related deadlines are properly met. These reports might include IT security reporting, SBS plan reporting, project personnel changes, changes in regulatory status, and information on any adverse events. Once collected, SPO will likely act as the central point of contract funneling team-generated information, requests, and reports to the award's Contracting Officer (the government's representative).

Meanwhile, the SPO assists with overseeing adherence to the terms and reporting requirements alongside the PM and PI, manages invoicing and budget conformity, and monitors expenditures to ensure compliance with Federal Acquisition Regulation (FAR) clauses. The SPO may also work with the PM and PI to ensure effective budget management and universal understanding of budgetary commitments and restrictions.

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Contract Closeout/Audit

Once the award has concluded and the parties have reached the closeout stage, all team members come back together to wrap up the project.

The PI leads the charge with respect to any final technical reports, and confirming that all work has been completed on the various task orders. The PI and PM also assist SPO, Asset Management, Purchasing, and other team members with any other required final reports, and with collecting all necessary documentation required for the closeout of the project. With respect to work product itself, any final invention statement will require conversations with the institution's Technology Transfer Office, who may also work with the PI to protect intellectual property that was created during the project. Finally, the various regulatory offices will also perform their required closeout activities, such as closing any applicable protocols, and wrap up any additional loose ends on their part.

Given the rise of IDIQ contracts, it is essential for institutions to understand the full lifecycle of federal contracts and utilize a team approach to negotiate and administer these contracts effectively. By assembling a team with diverse skills and expertise early in the process, institutions can ensure that all aspects of the contract are managed effectively, leading to award compliance and, ultimately, operational success. ■



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