

## Tip Sheet for Contracting Personal Assistance Services (PAS)

This document provides points that Department of the Navy (DON) commands may consider when seeking to contract Personal Assistance Services (PAS) for individual(s) with targeted disabilities who require the service to participate in the workplace or during work-related travel. As this tip sheet serves as an overview and is not an exhaustive list, it is advised that commands work with their contracting officer or acquisitions department so that all requirements can be met.

### The Ability to Contract PAS

Federal agencies are generally prohibited to expend Appropriated Funds or Non-Appropriated Funds on personal expenses for employees, *see* 3 Comp. Gen. 433 (1924), but those restrictions do not apply to services that are legally required to provide in order to comply with the Section 501 regulation. *See* 4 GAO-RB pt. C, s. 13 (2015) (explaining that “agencies may expend Appropriated Funds or Non-Appropriated Funds to accomplish the purposes of the Rehabilitation Act when acting under the Act’s authority and the regulatory standards that govern its application”). Other agencies have contracted PAS as a commercial item under the procedures in the Federal Acquisition Regulation (FAR) Part 12, using the North American Industrial Classification System (NAICS) code of 624120, “Services for the Elderly and Persons with Disabilities,” and the Product and Services Code (PSC) of R497 for “Support – Professional: Personal Services Contracts.” The DON is able to mirror these procurement specifications or utilize other contracting procedures as needed. Therefore, the DON has the ability to use independent contractors to provide PAS.

### Type of Contracts

A wide selection of contract types is available (Indefinite Delivery, Indefinite Quantity (IDIQ), Firm-Fixed-Price (FFP), etc.) and the type chosen to obtain PAS depends on price structure, complexity of the requirement, the urgency of the requirement, period of performance, etc. To make the best determination, a full understanding of the PAS needed and the stipulations of each contract type are required.

### Statement of Work

Below are some items to consider when generating the Statement of Work (SOW) for the PAS contract:

1. All applicable duties that the PAS provider(s) would be performing (including any non-PAS related duties that do not interfere with providing PAS), and if applicable, duties unique to official travel
2. Any specific qualifications required (e.g. state licensing/certifications or physical qualifications, etc.)
3. Any specific knowledge or skills required (e.g. ability to communicate effectively, ability to orient and provide sighted guidance, experience with Microsoft Office programs, etc.)
4. Hours of operation and the number of hours needed per day, and if applicable, hours of operation and hours needed during official travel

5. Duty location(s), and if applicable, the employee's telework location or various temporary duty stations while on official travel

Attachment 5

6. Minimum security clearance level required
7. Confidentiality requirements as protected by the Privacy Act; may have contractor(s) sign Non-Disclosure Agreement or Confidentiality Agreement
8. Arrangements for back-up personal assistant if the one assigned cannot provide the agreed-upon services for any reason
9. Any deliverables or reports documenting the hours and labor performed, the PAS provided, any areas of concern, etc. and the recurrence of the reports.

#### Cost for Providing PAS

The Equal Employment Opportunity Commission (EEOC), in its preamble for the amended regulations implementing Section 501 of the Rehabilitation Act, provides a high, and low, cost estimate for hiring PAS providers, not including travel costs.

1. In calculating the low estimate, EEOC assumed that agencies would contract with vendors to provide each individual with PAS for the equivalent of full-time hours (2,080 hours per year) at the minimum hourly rate for federal contractors (\$10.10), yielding an estimated annual per-person cost of \$20,800.
2. In calculating the high estimate, EEOC assumed that agencies would hire a PAS provider for each individual at the GS-05, Step 5 level in the Washington, DC region (\$65,519.67, adjusted to include benefits).

DON commands can structure the requirements based on skill/qualification level of PAS provider(s) and hourly rates for standard vs. late requests, among other factors, which may warrant various tiers in pricing.

The cost of having the PAS provider accompany the employee on official travel during work hours and off-work hours, and any other relevant fees, shall be stipulated in the contract.

#### Wages and Benefits

Contracts or orders to furnish PAS will generally be subject to the Service Contract Labor Standards requirements (FAR Part 22.10/52.222-41), except in the rare circumstance when an individual(s) signs an employment contract to provide direct PAS to the government (FAR 22.1003-3(f)).

#### Quality Assurance of PAS

Any concerns with the delivery of services by the PAS provider shall be directly communicated through the Contractor Officer's Representative (COR) for immediate response or correction.