Doing Business with the FDIC

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Division of Administration and Office of Minority and Women Inclusion

Federal Deposit Insurance Corporation

FDIC

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Purpose of this Brochure

This brochure is designed to assist firms seeking to do business with the Federal Deposit Insurance Corporation (FDIC). It outlines the FDIC's mission, organization, operational requirements, contracting policies and procedures, and information about the Minority and Women Owned Program (MWOP). It discusses the specific ways a business should go about trying to fulfill our contracting needs.

Introducing the FDIC

The FDIC is the leading U.S. federal organization providing deposit insurance and performing bank supervision. It is an organization of dedicated employees, with one mission in mind - to maintain stability and confidence within the nation's banking system. The FDIC is an independent government corporation that protects against the loss of insured deposits if an FDIC-insured bank or savings association fails. FDIC deposit insurance is backed by the full faith and credit of the United States government.

Brief History of the FDIC

Congress created the FDIC with the Banking Act of 1933 to maintain stability and public confidence in the nation's banking system. It was formed by President Franklin Delano Roosevelt in direct responseto the financial chaos the nation was experiencing as a result of the 1929 stock market crash and the Great Depression. Between October 1929 and March 1933, more than 9,000 banks had ceased operations and for all practical purposes, the nation's banking system shut down completely.

Public Confidence Restored

The intent of the Banking Act was to provide a federal guarantee of deposits in U.S. depository institutions so that customers' funds, within established limits, would be safe and available to them in the event of a bank failure. Since that time, FDIC has been insuring deposits and promoting safe and sound banking practices. The FDIC sign - posted in insured financial institutions across the country has become a symbol of confidence. Since the start of FDIC insurance on January 1, 1934, not one depositor has lost one cent of insured funds as a result of a financial institution failure.

FDIC in Action

When a federally insured bank fails, including a savings and loan, the FDIC responds immediately. It has a very important job that involves paying depositors up to the insurance limit and recovering as much money as possible from the failed institution's assets.

Deposit Insurance - The standard insurance amount is $250,000 per depositor, per insured bank, for each ownership category.

The FDIC has several options for resolving failed institutions. In most cases, the FDIC arranges for another healthy bank to assume the deposits of the failed institution, along with the current loans and other assets. This option is the least disruptive – "customers" of the failed institution become "customers" of the assuming institution. In rare instances, if the FDIC is not able to find an assuming institution, then payments are made directly to insured depositors. It is important to note that no matter which option the FDIC uses, funds within the insurance limit are always fully protected.

The FDIC is also responsible for managing the insurance fund used to protect the failed institution's depositors and for minimizing all losses not protected by deposit insurance (i.e., those over the insurance limit). This deals with the institution's assets. These assets include primarily loans, real estate and securities. In most cases, the failed institution's assets are sold to other institutions or businesses as soon as the troubled institution is closed. However, it may be necessary for the FDIC to retain and manage some of the less desirable assets. Proceeds from asset sales are used to reimburse the insurance fund and pay uninsured depositors, to the extent possible.

Behind the "FDIC" Sign – Who does what?

All FDIC employees contribute to its mission on a daily basis in one functional area or another. The FDIC is organized by Divisions and Offices located at Headquarters, six Regional Offices, and approximately 90 smaller Field Offices. (https://www.fdic.gov/contact/headquarters-directory/)

Functional responsibilities can be divided into two general areas – "business divisions" and "partnering divisions and offices." The "business divisions" include those with specialized missions that collectively are responsible for carrying out the overall mission of the FDIC. The "partnering divisions and offices" provide the administrative, financial, and facilities support to "business divisions" as they carry out their responsibilities.

Business Divisions and Offices

FDIC Divisions and Offices require the use of outside contractors to provide a variety of services to support the overall mission of the FDIC. The majority of contracts awarded are to support the following divisions and offices:

Division of Administration (DOA) – provides all administrative services including human resources management, training and consulting services, contracting, leasing, facilities management and security services supporting the physical and administrative infrastructure of the Corporation.

Division of Resolutions and Receiverships (DRR) – handles the resolution of failing FDIC-insured institutions and provides prompt, responsive and efficient administration (including asset sales initiatives) in order to maintain confidence and stability in our financial system and to minimize losses.

Chief Information Officer Organization (CIOO) – encompasses the Office of Chief Information Security Officer and the Division of Information Technology (DIT) to provide scalable, efficient technology that enables continuous access to data securely from any place at any time, including acquisition of hardware, software and systems development and implementation.

Division of Risk Management Supervision (RMS) – promotes stability and public confidence in the nation's financial system through examining and supervising insured financial institutions, leading sound policy development, evaluating resolution plans, and monitoring and mitigating systemic risks.

Division of Depositor and Consumer Protection (DCP) – performs bank evaluations in communities all around the country and operates the deposit insurance program, promotes and ensures compliance with fair lending and other consumer protection laws and regulations, and increases public understanding of and confidence in the deposit insurance system.

Corporate University (CU) – supports the Corporation's mission and business objectives through high-quality, cost effective, continuous learning and development. CU provides opportunities for employees to enhance their sense of corporate identity while learning more about FDIC's major program areas of supervision, compliance, resolutions, and insurance.

Legal Division – supports the development of contracting policies and procedures and provides assistance when legal issues arise from statutory interpretation and compliance. In addition, Legal provides assistance on complex contracting issues, such as claims and disputes, and other matters referred by the Contracting Officer.

Office of Minority and Women Inclusion (OMWI)

The Office of Minority and Women Inclusion (OMWI) was established under the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA) section 342, and has nationwide responsibility for FDIC's Minority and Women Outreach Program. OMWI participates in policy and procedure development and contracting solicitations and determinations to ensure a fair representation to the maximum extent possible of minority- and women-owned businesses (MWOBs) in the FDIC's procurements for goods and services.

OMWI is responsible for implementing procedures to verify whether contractors are making a good faith effort to ensure the fair inclusion of minorities and women in its workforce.

Minority and Women Outreach Program:

FDIC firmly believes in promoting fair and consistent treatment of all firms interested in contracting with the FDIC and in providing opportunities, to the maximum extent possible, for Minority and Women Owned Businesses (MWOBs). The responsibilities and activities of OMWI are an important part of these efforts.

OMWI Outreach continually reaches out to qualified MWOBs that can compete for contract opportunities. OMWI does that by:

- participating in conventions, seminars, and professional meetings composed of, or attended predominately by MWOBs and
- conducting technical assistance such as outreach seminars, meetings, workshops, and other functions to identify MWOBs, and raise awareness regarding opportunities to contract with the FDIC.

The goals of our outreach program are to raise awareness and expand the number of MWOBs available for FDIC contracting requirements. Businesses can participate either as primes, subcontractors, joint ventures or teaming partners.

You may contact OMWI staff at MWOBOutreach@fdic.gov for any questions about doing business with the FDIC.

Acquisition Services Branch

The Acquisition Services Branch (ASB), in the Division of Administration, has a Headquarters Office in Arlington, VA, and a Regional Office in Dallas, Texas.

ASB is responsible for procuring all goods and services with diverse needs and specialized requirements. Services could range from loan servicing, to construction/renovation, asset management and disposition, and information technology systems required by the FDIC. The FDIC does not use appropriated funds, and is not subject to the Federal Acquisition Regulation (FAR). The FDIC has established its own contracting policies and procedures for procuring its goods and services. The FDIC acquisition management process is governed by the Acquisition Policy Manual. Like federal and commercial firms, the FDIC uses competitive solicitations to obtain goods and services. We draft solicitations which identify the requirement and provide instructions for submitting proposals. ASB evaluates proposals received, decides which proposal/contractor offers the best value (considering technical, price and other factors as necessary), and then awards the contract. In addition, we develop and supplement solicitation lists from many other sources. While the FDIC is not required to use SAM.GOV to issue solicitation notices, in some instances, we may use this virtual marketplace to post and search for procurement opportunities. We also obtain sources from OMWI, various program offices, and outreach conferences. Administration of the contract continues for the life of the procurement and includes performance monitoring, inspection and acceptance of good or services, invoice processing and closeout.

Please visit the following web site:

http://www.fdic.gov/buying/goods/acquisition/index.html

to view the various contractual instruments including the Acquisition Policy Manual (APM), the official policy document along with its implementing and supplementing document entitled Procedures, Guidance and Information (PGI).

The FDIC differs from other federal agencies in the solicitation and contracting documents we use. In addition we have different standards in determining eligibility of contractors. Prior to any contract award greater than $100,000 for services, all contractors and subcontractors must meet certain minimum contractor integrity and fitness standards as defined in the

Contractor Conflicts of Interest Regulation, 12 C.F.R. Part 366. This regulation provides guidance to contractors and subcontractors on conflicts of interest, ethical responsibilities, and use of confidential information.

The Acquisition Process

An understanding of the FDIC acquisition process is important, both in terms of developing an effective marketing strategy, as well as avoiding mistakes which could prove costly.

Procurement on a Best Value Basis

Overall, the procurement process takes advantage of a competitive and commercial marketplace to deliver on a timely and cost effective basis, goods and services the FDIC needs and which offer best value to FDIC Divisions and Offices. Best value decisions are based on internal business judgements considering a series of qualitative and quantitative decisions among factors such as capability, capacity, past performance, and price.

Contract Types – What to Expect

The Contracting Officer is responsible for selecting the type of contract that represents the most suitable business arrangement for procuring goods and services on behalf of the FDIC. There are two basic types of contracts (pricing arrangements) used by FDIC: fixed price contracts and level of effort (time & materials) contracts.

A fixed price contract can be expressed as a firm fixed price where the contractor is paid for successfully performing the work, or a fixed unit price where the price is established in the contract and applied against a quantity ordered to determine the ultimate price to be paid based on successful performance.

A level of effort contract can be expressed as either a time and materials (T&M) or labor hour (LH) contract. In both cases, the contractor receives compensation (direct labor rates) based on hours worked and accepted by FDIC. The T&M contract also provides reimbursement for material costs.

Methods for Acquiring Goods and Services

In addition to individual contract awards, the FDIC uses the following methods to procure its goods and services:

FDIC Purchase Card (P-Card) - for requirements NOT exceeding $5,000. When procurements exceed $5,000, competition is required. The goals of the P-Card program are to achieve savings in administrative time, reduce paperwork, and quickly purchase and receive goods and services needed for mission support.

GSA Federal Supply Schedules - a General Services Administration managed program used for both simplified and formal acquisitions.

Blanket Purchase Agreements (BPA) - used to acquire goods on an anticipated, repetitive basis through the placement of future orders.

SBA 8(a) Program Contracts - The Small Business Administration 8(a) Business Development Program is a business assistance program for small disadvantaged businesses.

Basic Ordering Agreements (BOA) - under which a variety of task orders for specific projects or tasks can be ordered by the Contracting Officer. A BOA has a broad Statement of Work (SOW) that describes the overall scope and purpose. Each task order will have a specific, definitive SOW. A BOA has a ceiling (maximum) dollar value associated with it, and task orders can be issued up to the ceiling value during the period of performance of the BOA.

Receivership Basic Ordering Agreements (RBOA) - A Receivership Basic Ordering Agreement (RBOA) functions the same way as the BOA, but does not have a ceiling value, but does have a broad SOW that identifies the types of services that may be required. Each task order under an RBOA will have a specific, definite SOW associated with the specific work to be accomplished under the task order. Each task order establishes a ceiling value.

How Does the Contracting Process Work?

The FDIC acquisition process is based on a "cradle to grave" approach where a Contracting Officer maintains control and responsibility for a procurement action from the pre-procurement phase through contract administration and closeout. The basic phases of the contracting process include:

Pre-solicitation – identifying the requirement, performing market research, preparing the statement of work and solicitation package.

Solicitation – identifying prospective offerors, distributing the solicitation package and receiving proposals.

Evaluation – evaluating the technical and price proposals submitted by offerors that responded to the solicitation package.

Award – making the best value decision for the award, obtaining all pre-award approvals, and executing the contract with the successful offeror. It also includes notifying the unsuccessful offerors and conducting de-briefings upon request.

Administration – administering all activities necessary to ensure the contractor adheres to the terms and conditions of the contract. It involves monitoring contractor performance, processing and paying invoices, executing modifications, handling claims and closing out the contract.

Procurements Less than $5,000
When a requirement is less than $5,000, competitive pricing is not required and awards may be made directly with the FDIC Purchase Card (P-Card). This method is the preferred method by FDIC for acquiring low-dollar goods and administrative services largely due to its cost effectiveness and cost savings.

Procurements Less than $100,000
Simplified procurement procedures are used for contracting requirements that are not complex in nature and less than $100,000. These procedures can utilize oral (telephone) or written requests for quotations. A minimum of three firms are generally solicited for these types of procurements. Award decisions are generally based on price alone or price with a pass/fail on technical delivery requirements.

Contracts Greater than $100,000
Formal contracting procedures are generally used for requirements that are complex and greater than $100,000. Due to the higher dollar amounts and complexity level, formal Requests for Proposals and contracts are used under these procedures. Generally, a minimum of three firms are solicited. Award decisions are based on a detailed technical evaluation, financial capability review and price evaluation.

Noncompetitive Procurement
Noncompetitive contracting procedures are used when it is determined that only one firm can provide the goods or services required. Even though the FDIC policy is to procure goods and services on a competitive basis, unique situations may and do arise in which competitive procurement is impracticable. These generally involve urgent or specialized requirements.

Subcontracting with FDIC's Prime Contractors
Firms solicited for goods and/or services for the FDIC should submit their response, offering their best possible technical and price solution for the requirement.

This includes forming the best possible team to perform the contract. Many of our requirements can be performed by one firm referred to as a prime contractor. In other cases, a firm may need to supplement their own technical expertise with that of another firm. This is done through subcontracting arrangements. The best contractor teaming arrangement must be considered by each offeror on a solicitation by solicitation basis. Before searching for subcontractors, prospective offerors are encouraged to read the solicitation and statement of work carefully. A list of prime contractors supporting FDIC in work related to failed financial institutions can be found at the following website: https://www.fdic.gov/about/doing-business/awards-contractor-contact-info-financial-services.pdf

Legal Support Services to the FDIC

Minority and Women Owned Legal Firms (MWOLF's) and legal support services (LSS) providers interested in providing legal services to the FDIC are directed to the FDIC's Legal Division. LSS providers generally include court reporters, e-discovery specialists, expert witnesses as well as trial preparation firms. LSS providers provide support to both FDIC in-house counsel and FDIC outside law firms. The Outside Counsel Deskbook and the Legal Support Services Deskbook describe the policies and procedures that must be followed by MWOLFs, experts and, LSS providers engaged by the FDIC Legal Division.

The FDIC has a strong commitment to diversity and inclusion in outside legal contracting. As a part of the FDIC's Minority and Women Outreach program, the Legal Division actively seeks to consider for engagement firms owned by minorities or women. These minority- and women-owned legal services providers are those that are at least 51% owned and controlled (through day-to-day management) by one or more persons who are members of one or more of the following groups: Black American, Native American Indian, Hispanic American and, Asian American. "Women-owned firms" are those that are at least 51% owned and controlled (through day-to-day management) by non-minority women.

The FDIC supports all efforts on the part of our outside counsel to employ and engage diverse legal services providers. The Legal Division supports the maximum participation of LSS providers in FDIC legal contracting and the FDIC's diversity and inclusion efforts through a full time Outreach Program Coordinator who, among other things, assists firms with all aspects of the application and engagement process. The Outreach Program Coordinator also represents the FDIC at minority and diversity bar association and stakeholder conferences and events nationwide.

The Legal Division works to ensure the inclusion of minorities and women to the maximum extent possible in legal contracting opportunities. (See 12 C.F.R. Part 361) The FDIC provides assistance to minority- or women-owned businesses and minorities and women within other businesses with request for waivers of conflicts of interest or other matters relating to the retention of experts and LSS providers. If interested in such assistance, contact the Office of Minority and Women Inclusion (OMWI), at MWOBOutreach@FDIC.gov.

For information on Minority and Women Owned Law Firm contracting opportunities please refer to the Brochure entitled, Information for Prospective Outside Counsel available at: https://www.fdic.gov/about/doing-business/outside-counsel/ocbrochure.html

Washington Office

FDIC Legal Division
Attn: Legal Services and Special Contracts Group
3501 Fairfax Drive
Room VS-E-6066
Arlington, VA 22226
(703) 562-2326
(703) 562-2499 (fax)

Southwest Service Center

FDIC Legal Division
Legal Services and Special Contracts Group (LSG)
600 North Pearl Street, Suite 700
Dallas, TX 75201
(972) 761-8429
(800) 568-9161
(972) 455-7094 (fax)

FDIC Vendor Requirements - Get Registered

System for Award Management (SAM)

SAM is the primary registrant database for the U.S. Federal Government. SAM collects, stores, and disseminates data in support of agency acquisition missions. To complete your registration, go to http://www.sam. gov. There are user guides on www.sam.gov and a helpdesk to assist you with your registration. The FDIC will only award contracts to businesses that are registered in SAM.