Contractors Irked By Fewer Search Options In New Database

By **Daniel Wilson**

Law360 (November 27, 2019, 11:43 AM EST) -- Two weeks after the rollout of a new federal database for tracking government contracts, contractors remain concerned about limited search functionality hampering their ability to find and track deals, and unsure about when fixes will be implemented.

The U.S. General Services Administration added new functionality to the beta version of its System for Award Management, or SAM, over Veterans Day weekend to replace its older Federal Business Opportunities database, or FedBizOpps, as it was commonly known, which contractors used to find new contract solicitations and track updates on pending deals.

The new system was to be more user friendly than FedBizOpps, the GSA said, but its implementation has been roiled with complaints from contractors who say they've lost the ability to search with a wider range of parameters and can no longer get push notifications for contracts they want to track.

While some issues, such as minutes-long wait times for the system to load, were quickly fixed, the search limitations persist, and contractors' frustrations are amplified with SAM now being the sole method most federal agencies use to put out their contracting opportunities, with limited exceptions.

"It has been a frustrating experience," Crowell & Moring LLP partner Lorraine Campos, who regularly counsels clients on GSA-related issues, said. "It's just been extremely challenging not being able to find the solicitations I need."

While contractors can still find specific things they are looking for, the limited search functionality means that they may have a harder time "searching for a wider range of opportunities," according to Koprince Law LLC senior associate Shane McCall, who has been tracking the FedBizOpps transition for months.

For example, the ability to search solicitations by North American Industry Classification System, or NAICS, code is currently limited to broad sector searches, such as all professional, scientific and technical services deals, rather than allowing searches by specific industries, McCall said.

"The NAICS code search has some limitations in that it doesn't really let you search by the full six-digit NAICS code that most contractors would want to search for, because that's what they have technical capabilities in," he said. "They let you search by the very broad first two digits of the NAICS code, which is going to bring up many more opportunities than most companies would ever want to see."

Campos' initial experience, while using SAM to monitor solicitations, involved wading through multiple layers of logins, only to face slow loading and timeouts once logged in, and difficulties in tracking down solicitations, she said.

She noted that when she published a blog post on the issues she faced dealing with the beta system, other users quickly reached out to her to share their issues — not common for her posts, she said — demonstrating the level of frustration with the new system.

The GSA acknowledged the slow loading issues in the days after the transition as well as requests to improve search functionality, and the agency said in a Nov. 22 blog post that it is "actively reviewing comments and will continue to enhance the system based on this feedback."

But the GSA hasn't been clear on what search improvements it intends to make, or when, and did not respond to related questions from Law360 beyond referring to that blog post.

Despite its growing pains, the new SAM holds the potential to be an improvement over FedBizOpps.

"Almost universally, FedBizOpps was not well liked," Kilpatrick Townsend & Stockton LLP partner Gunjan Talati said. "It was clunky [and] the searchability wasn't all that great, and so we definitely always heard gripes."

But Talati, who has also been tracking the rollout, noted that growing pains aren't uncommon in the implementation of new systems of the magnitude of the SAM beta system.

Campos and McCall also sounded notes of cautious optimism about what the GSA is trying to do with the new system.

Once complete, the GSA's consolidation plans are expected to bring together multiple systems, including FedBizOpps, SAM and the Federal Awardee Performance and Integrity Information System, which lists information on contractor performance and suspensions and debarments.

FedBizOpps is the third of 10 legacy systems set to be rolled into the SAM beta system as part of the GSA's plan to create a "centralized, authoritative source of federal award data."

From a contractor's perspective, it will be beneficial to go to a single central location to check solicitations, look into whether potential subcontractors are on the government's lists of excluded parties, and get necessary certifications, according to Campos.

"It'll be good to see how it evolves and I think we'll all have to get used to a different way of searching, and what we see now as a clumsier platform may in the end work out better — it just takes a while to get used to something new," she said.

For now, the GSA hasn't provided a timeline for when it may roll out fixes and contractors remain discomfited with this lack of knowledge, McCall said.

"I think some of the disappointment is that it seems like it could be really good ... but people don't know exactly when," he said. "I'm hoping that when [the GSA says] they're seeking feedback, they'll listen to it

and add more filtering options, because it could be a very robust searching site once they get it all tweaked a little bit."

--Editing by Breda Lund.