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CONTRACT REVIEW BOARD GUIDELINES

A Mandatory Reference for ADS Chapter 302

New Reference: 06/14/2007
Responsible Office: OAA/P
File Name: 302mao_061407_cd48

Contracting Officers (COs) must follow the policies and procedures for Contract Review Board (CRB) submission requirements outlined in this document.

A. Composition of the CRB

The CRB is composed of the following members:

- (1) A Division Chief from one of the Operations divisions (M/OAA);
- (2) A Team Leader from one of the Operations divisions (M/OAA);
- (3) A representative from the Evaluation Division or from the Policy Division (M/OAA);
- (4) Virtual member from the Field (when feasible): Participation by Senior COs where field comments are sent electronically.
- (5) A representative of the Office of General Counsel (GC) (when available);
- (6) A Contract Specialist Intern Program CSIP/New Entry Professional (NEP) notetaker/recorder (M/OAA); and,
- (7) An M/OAA administrative person to provide logistical support to the CRB.

B. Roles of CRB Members

- (1) The Chief Acquisition Officer, Office of Acquisition & Assistance, assigns the Operational Division and Team Leader to the CRB. The assigned Division Chief from Operations will serve as Chairperson of the CRB. The Chairperson's duties include:
 - ensuring that CRB members are informed of scheduled meetings,
 - ensuring that minutes of CRB meetings are disseminated to responsible Contracting Officers (COs) and Contract Specialists,
 - ensuring that trends are disseminated to the procurement community on an annual basis,
 - serving as recorder in the absence of the recorder or assigning another member of the CRB to record the findings, and
 - settling any disputes.

- (2) The Evaluation Division Chief and/or the Policy Division Chief assigns a Procurement Analyst to represent their respective divisions. There is an open invitation for a representative from the Office of General Counsel to attend every CRB meeting. However, the CRB will proceed with or without General Counsel representation.
- (3) The role of all members of the CRB is to read the documentation submitted to the CRB, noting procedural errors, formatting errors, continuity of sections, mathematical errors, and business decisions which could result in protests or disputes. Board members present all findings at scheduled CRB meetings.
- (4) The Director, Office of Acquisition & Assistance, will assign a CSIP/NEP to the CRB to record CRB findings. The selected individual will serve on the CRB for a short term rotation (3 months), unless extended by the Director. The Recorder attends all meetings, documents findings, disseminates draft findings to all CRB members, and prepares the findings in final form for the Chairperson to disseminate.

C. CRB Period of Service:

- (1) The Division Chief from the Operations Division will be required to serve on the CRB committee for a minimum one-year period.
- (2) The Team Leader from the Operations Division will be required to serve on the CRB committee for a minimum six months (6) month period. For continuity purposes, it is also required that the same Team Leader serve on the subsequent CRBs for the same action.
- (3) The period of service for all other members will be for a minimum of one year, with the exception that their tenure must be staggered to maintain the knowledge base gained through participation in the CRB process.

D. CRB Scheduled Meetings

- (1) The CRB is available to meet twice a week (every Tuesday from 10:00 AM to 12:00 PM, and every Thursday from 1:30 PM to 3:30 PM).
- (2) During the third and fourth quarters, subject to approval by the Board, ad hoc CRB meetings may be scheduled based on the availability of CRB members.
- (3) Negotiators and contracting officers are advised to include ample lead-time to accommodate CRB review and time to respond to mandatory CRB findings.

E. Scheduling Actions for CRB Review

(1) General Procedures:

- a) The cognizant Contracting Officer or senior negotiator is Responsible for submitting the documentation to the CRB Chairperson (see below for M/OAA and overseas submission procedures.)
- b) Documents submitted for review must be final while under review (meaning that the CO or negotiator should not continue to revise and “fine-tune” the documents after submitting them to the Chairperson). If updates are unavoidable, e.g. as a result of an amendment to the RFP, the CO/negotiator must forward it to the CRB as soon as possible.
- c) The M/OAA Team Leader or overseas supervising CO must clear the submission of the package to the CRB in order to better ensure the quality of the packages submitted. The CRB’s responsibility is meant to be substantive rather than editorial.
- d) The Chairperson will conduct a “Go/No Go” review to determine if the package meets minimum objective standards for acceptability (the basic criteria will be established by OAA and provided to all USAID COs before implementing the “Go/No Go” review). If the submission does not pass the “Go/No Go” review, the Chairperson will notify the submitting CO/negotiator of the specific deficiencies in the package that must be corrected before scheduling a full CRB review.
- e) After accepting the documentation, the Chairperson of the CRB will schedule a meeting of the CRB for the next available time (at least two (2) business days after receipt of the action).
- f) For reviews of submissions from overseas, if requested and practical to arrange, the Chairperson will set up teleconferencing with the field, to make the process more efficient and useful to the field COs.
- g) In the event that the CRB identifies the need for serious corrective action, the Chairperson will direct the CO to not proceed until the corrective action is taken and will negotiate with the CO a schedule for resubmitting the action to the CRB.
- h) The CO responsible for the particular award will annotate the file to explain the disposition of both mandatory and advisory CRB findings, and inform the CRB of actions taken in response to mandatory findings. Written response to the CRB is required for mandatory findings only. The CO may be required to resubmit all or part of the package, as directed by

the CRB. At each stage of CRB review, the CRB must ensure compliance by verifying that the CO has addressed the mandatory findings.

- i) The Senior Procurement Executive will conduct an annual After Action Review in October to review the CRB process and identify ways of further streamlining it.
- j) Gold Star recognition of COs. The Chairperson has the authority to waive mandated CRB submissions if the circumstances warrant doing so.

(2) Procedures for AID/Washington:

- a) The submitting CO/negotiator must provide hard copies of documentation to all members of the CRB.
- b) After the CRB has met and completed its review of the submitted documentation, the CRB Chairperson will forward via memorandum all findings within three (3) business days.

(3) Procedures for Overseas:

- a) The submitting CO/negotiator must forward, via e-mail, copies of documentation to the CRB Chairperson and to the CRB Mailbox. If electronic transmittal is not available, please send via DHL/FEDEX all materials to the Secretary of the OAA Director, Office of Acquisition and Assistance, Office of the Director, for distribution to the CRB.
- b) After the CRB has met and completed its review of the submitted documentation, the CRB Chairperson will forward via e-mail all findings within three (3) business days.
- c) If the responsible Contracting Officer does not receive an e-mail response from the CRB Chairperson within four (4) business days, the CO may proceed to the next stage of the acquisition.

F. Stages of Required CRB Review and Documentation Submission Requirements

For both USAID/W and overseas Missions, COs must submit actions to the CRB at the Pre-Solicitation stage, at the Competitive Range Determination stage, and at the Pre-Award stage of the procurement process. The following list summarizes documentation to be provided to each CRB member at each stage of CRB review:

(1) Pre-Solicitation:

A copy of the solicitation.

(2) Competitive Range:

- a) A copy of the competitive range determination memorandum,
- b) The detailed technical evaluation memorandum,
- c) Sections C, L, and M of the solicitation, and
- d) A copy of CRB comments regarding the solicitation and the corrective action the CO took to address the CRB comments.

(3) Pre-Award:

- a) A copy of the solicitation (if already reviewed by the CRB, only sections L & M are required);
- b) A copy of any previous CRB comments and the corrective action the CO took to address the CRB comments.
- c) The contract (Award document: Sections A through I);
- d) The memorandum determining the competitive range, as required (if not previously reviewed by the CRB);
- e) The Memorandum of Negotiations (showing both the pre-negotiation and negotiated positions);
- f) Any revisions to the technical evaluation memorandum not previously reviewed by the CRB; and,
- g) Office of Small and Disadvantaged Business (OSDBU) clearance on subcontracting plan or reason there is no OSDBU clearance (normally included in the Negotiation Memorandum), and
- h) Upon request, the COs may be asked to provide any written discussion questions that were posed to the offerors in the competitive range.

G. Dissemination of Issues/Trends Identified by CRB Process

- (1) The Chairperson of the CRB, in conjunction with the OAA Evaluation Division, will issue a semi-annual summary to formally disseminate issues/trends identified by the CRB process. However, there may be periods in which no information is disseminated due to lack of reviews before the board, as the overwhelming majority of reviews take place in the third and fourth quarters.
- (2) The summary will also include issues/trends for assistance and task orders identified by M/OAA/E reviews.

H. Level of USAID/W Contracting Officer and Negotiator Participation in the CRB Presentation. (This section applies to USAID/W Contracting Officers and Negotiators only.)

- (1) The negotiator responsible for the particular award will present the procurement to the CRB to the maximum extent practical.
- (2) Whether the CO or negotiator is the principal presenter, Contracting Officer attendance at the CRB meeting is mandatory for the following reasons:
 - a) The Contracting Officer is ultimately responsible and accountable for the procurement actions he or she signs on behalf of the U.S. Government.
 - b) The Contracting Officer should have first-hand knowledge of procurement issues/concerns that may develop during a CRB presentation.
 - c) Having the Contracting Officer immediately available to address issues/concerns during the CRB presentation saves time and facilitates the CRB presentation process.

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