

UNIT 50: POST-AWARD ORIENTATIONS

October 2003

Duty	Conduct a postaward orientation.
Conditions	Given acquisition planning, a contract, other related documents, and any contractor inquiries.
Overall Standard(s)	Provide the contractor an accurate review of the contract milestones and the significant responsibilities of both parties for contract performance. Resolve issues that may affect contract performance. Document each issue and its resolution in a postaward conference report.

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Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
42.5		Post-award orientation.
52.202-1		Definitions.
52.212-4(e)		Definitions – Contracts for Commercial Items.
52.212-4 (s)		Order Of Precedence – Contracts for Commercial Items.
52.214-29		Order Of Precedence – Sealed Bidding.
52.215-8		Order Of Precedence – Uniform Contract Format.
52.245-18		Special Test Equipment
52		Other clauses as relevant to a particular contract.

Other KSAs

1. Knowledge of essential elements of a contract.
2. Knowledge of legal principles for interpreting the language of a contract.
3. Knowledge of contract clauses and legal principles regarding the contractor's rights and duties under a contract.
4. Knowledge of differences between agreements on interpretation and contract modifications.
5. Knowledge of what constitutes a constructive change.
6. Knowledge of contract risk and techniques for reducing level of risk for both parties.
7. Knowledge of the Government's options (including the related pros, cons, and policies) when agreements cannot be reached on issues that may affect contract performance.
8. Knowledge of the Freedom of Information Act.
9. Knowledge that privity of contract exists between the prime contractor and its subcontractors, but does not exist between the Government and any subcontractor.
10. Ability to organize and set priorities for the post-award conference.
11. Ability to present an oral or written summary of contract milestones and the significant responsibilities of both parties for contract performance.

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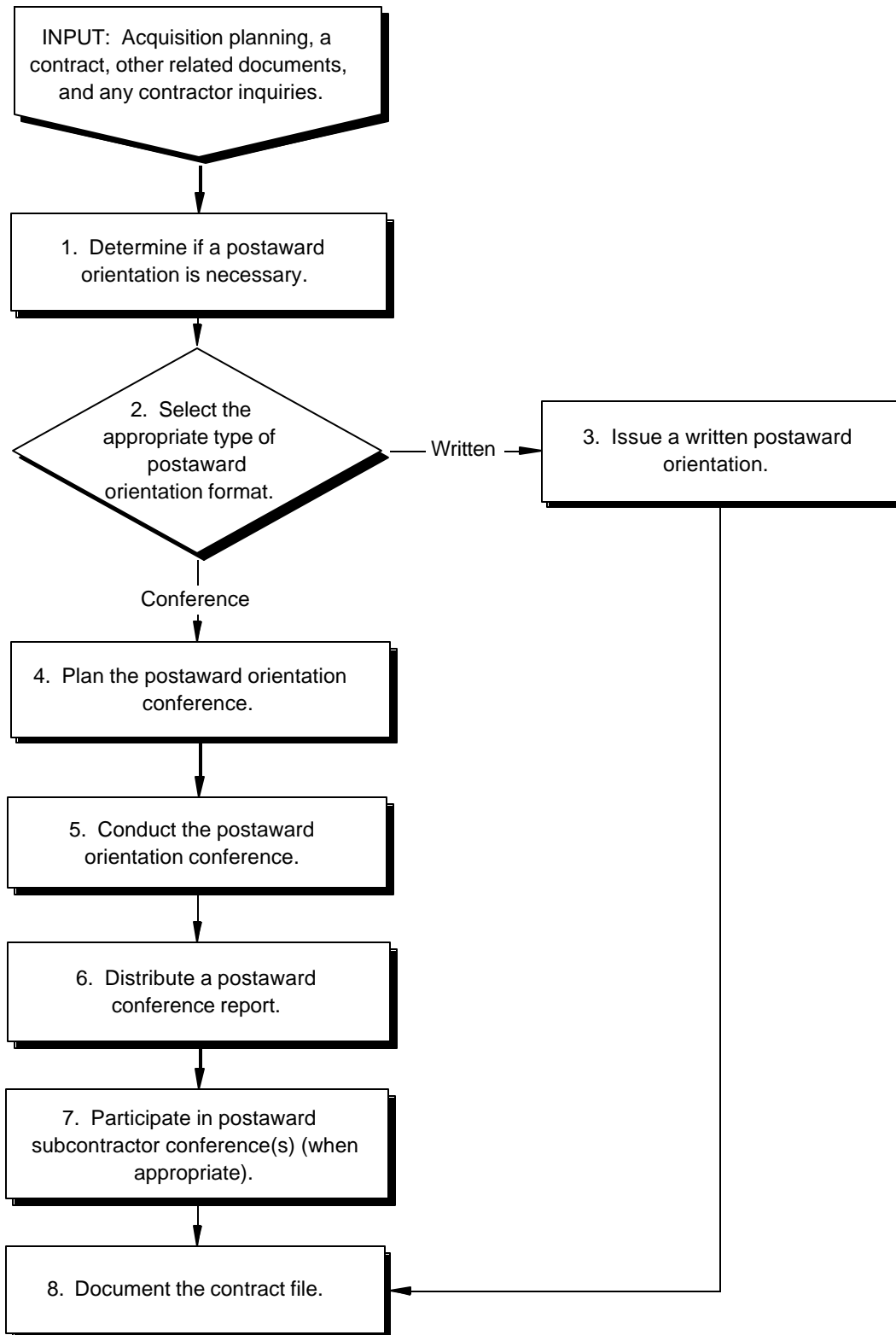
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12. Ability to work with contractors on issues relating to the proper interpretation of contract requirements.
13. Ability to display a professional image in conducting the postaward conference.
14. Ability to foster cooperation between the various Government and contractor groups (e.g., contracting and technical) involved in the conference.
15. Ability to maintain the honesty and integrity of the acquisition process.

Other Policies and References (Annotate As Necessary):

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Tasks

Related Standards

<p>1. Determine if a postaward orientation is necessary.</p>	<p>Consider the need to examine issues that affect a clear and mutual understanding of all contract requirements or to identify and resolve mutual problems. As a minimum, consider the:</p> <ul style="list-style-type: none">• Nature and extent of the preaward survey and any other prior discussions with the contractor;• Type, value, and complexity of the contract;• Complexity and acquisition history of the product or service;• Requirements for spare parts and related equipment;• Urgency of the delivery schedule and relationship of the product or service to critical programs;• Length of the planned production cycle;• Extent of subcontracting;• Contractor's performance history and experience with the product or service;• Contractor's status, if any, as a small business, veteran-owned small business, HUBZone small business, small disadvantaged business, or women-owned small business concern;• Contractor's performance history with small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business subcontracting programs;• Safety precautions required for hazardous materials or operations; and• Complex financing arrangements, such as progress payments, advance payments, or guaranteed loans.
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Tasks	Related Standards
2. Select the appropriate type of postaward orientation format.	<p>Normally use a:</p> <ul style="list-style-type: none">• Written orientation (e.g., traditional letter, e-mail, or fax) when:<ul style="list-style-type: none">- There are relatively few issues to cover;- The issues are relatively straightforward; and- There appears to be little need for 2-way discussion.• Formal conference (e.g., face-to-face conference, teleconference, or videoconference) when:<ul style="list-style-type: none">- There are numerous issues to cover;- The issues are relatively complex; or- There appears to be a need for 2-way discussion.
3. Issue a written postaward orientation.	<p>As a minimum, written postaward orientation should:</p> <ul style="list-style-type: none">• Identify the Government representative responsible for administering the contract;• Cite any unusual or significant contract requirements; and• Make it clear that the letter was not written to change the contract. <p>Normally, it is good business practice to require the contractor to acknowledge receipt.</p> <p>Remember that a postaward orientation letter may be used to interpret contract requirements, but it cannot be used to change the contract. That can only be accomplished using a contract modification.</p>

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Related Standards

<p>4. Plan the postaward orientation conference.</p>	<p>The Contracting Officer who decides that a conference is needed is responsible for:</p> <ul style="list-style-type: none">• Establishing the time and place of the conference;• Preparing any necessary agenda;• Notifying appropriate Government representatives (e.g., contracting/contract administration office) and the contractor;• Designating or acting as the conference chairperson; and• Preparing Government personnel for the conference, by clarifying:<ul style="list-style-type: none">- The Government position on each issue to be covered during the conference; and- The role of each Government conference participant. <p>When the contracting office that awarded the contract initiates a conference, the arrangements may be made by that office or, at its request, by the contract administration office.</p>
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Related Standards

<p>5. Conduct the postaward orientation conference.</p>	<p>Unless a contract change is contemplated, the conference chairperson must emphasize that the conference is not being conducted to change the contract.</p> <p>The conference chairperson should:</p> <ul style="list-style-type: none">• Present the name, responsibilities, and authority of any Government representative who will have a unique role in representing the Contracting Officer in administering the contract.• Discuss any unusual or significant contract requirements.• Emphasize that:<ul style="list-style-type: none">- Any Contracting Officer commitment or direction related to contract requirements must be made in writing;- Government representatives other than the Contracting Officer are not authorized to take any action that alters the contract; and- Any change to the contract that results from the postaward conference must be made by contract modification.• Identify any items (e.g., bonds or security clearances) that the contractor must provide to the Government before beginning work and have not yet provided.• Establish a plan for resolving any identified issues that cannot be resolved during the conference.
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Tasks	Related Standards
<p>6. Distribute a postaward conference report.</p>	<p>The postaward conference chairperson must prepare and sign a postaward conference report that covers all items discussed, including:</p> <ul style="list-style-type: none"> • Areas requiring resolution; • Controversial matters; • All information and guidance provided to the contractor; and • The names of the participants assigned responsibility for further actions, and the due dates for the actions. <p>The report should also include the names and affiliations of all conference participants.</p> <p>Furnish copies of the report to:</p> <ul style="list-style-type: none"> • The contracting office; • The contract administration office; • The contractor; and • Others who require the information.
<p>7. Participate in postaward subcontractor conference(s) (when appropriate).</p>	<p>The prime contractor is generally responsible for conducting postaward conferences with subcontractors. However, the prime contractor may invite Government participation.</p> <p>When invited, Government participation is normally appropriate if the benefits of participation warrant the costs involved.</p> <p>Any Government representatives participating in a postaward subcontractor conference:</p> <ul style="list-style-type: none"> • Must recognize the lack of privity of contract between the Government and subcontractors; • Must not take action that is inconsistent with or alters subcontracts; and • Must ensure that any changes in direction or commitment affecting the prime contract or contractor resulting from a subcontractor conference are made by written direction of the Contracting Officer to the prime contractor.

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Tasks

Related Standards

8. Document the contract file.	Retain a copy of any: <ul style="list-style-type: none">• Written preaward orientation;• Postaward conference report; or• Available documentation relating to Government participation in a postaward subcontractor conference.
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