

**NIH BOARD OF CONTRACT AWARDS REVIEW CHECKLIST
CONSTRUCTION (NEGOTIATED) ACQUISITIONS**

REVIEW TYPE	
() Presolicitation	() Preaward
() Postaward	
Office of Acquisition	
Awarding Office	
Presolicitation or Contract Number	
Contract Specialist	
Contracting Officer	
Total Price/Estimated Cost	
Period of Performance	
Brief Description of Items or Services Being Acquired	

SECTION A – Acquisition Planning

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Acquisition Planning				
A.1	Was adequate market research performed?	FAR 7.102; 10.001, 10.002; 12.101 (over \$100K); HHSAR 307.7105				
A.2	Does File contain an adequate Acquisition Plan (AP), addressing all FAR and HHSAR requirements?	FAR 7.105; HHSAR 307.71 (>\$500K – but see documentation requirements for <\$500K or other exceptions at 307.7101(c)) HHS AP template				
	If RFI or exchanges with industry, were they conducted properly?	FAR 15.201				
A.3	Does AP discuss the rationale for the contract type selected and is the type appropriate for the requirement?	FAR 16.103 HHS AP template				
A.4	Was acquisition plan developed by entire team and has each participant been identified in the AP?	FAR 7.102(b), FAR 7.105				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.5	If brand name description used, specifying a particular brand name, product or feature of a product, peculiar to one manufacturer, was written justification prepared and approved?	FAR 6.303, 6.304				
A.6	If brand name or equal, does the purchase description cover the salient physical, functional or performance characteristics of brand name?	FAR 11.104				
A.7	Did the Government develop an independent government cost estimate and is it adequate?	FAR 7.105; HHSAR 307.7103				
A.8	Is there evidence of milestone planning/scheduling?	FAR 7.105(b)(20); HHSAR 307.7106				
A.9	Is there evidence of adequate funding or intent to commit funds?	HHSAR 307.7104				
A.10	If requirement is potentially appropriate for Safety Act protections, is there evidence in the file that the program office obtained pre-qualification notice?	FAR 50.205-2(a)(3)				
A.11	If funded with disaster assistance funds and requested by DHS, does the acquisition include requirement to display any fraud hotline poster applicable to specific project?	FAR 3.1003(b)(2)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.12	Does the file contain evidence that the project officer/COTR has completed required training, or that a waiver has been obtained?	HHSAR 307.170; 307.170-1				
A.13	Was Wage Determination (WD) obtained from the Wage Determinations on-line (WDOL) site (www.dol.gov), or if a general WD was not available on WDOL, did CO request a WD from DOL on SF 398 at least 45 days prior to issuing RFP?	FAR 22.404-1, 22.404-3 (over \$2000)				
A.14	If applicable, has CO checked the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (www.dol.gov/ilab/)?	FAR 22.1503				
		Small Business				
A.15	If exceeding specified thresholds, was acquisition plan coordinated with small business specialist (HHS-653)? If applicable, were proper appeal procedures followed?	FAR 7.104(d); HHSAR 319.501				
A.16	If CO rejects the SBS' or SBA PCR's recommendation, has the justification been documented on the HHS Form 353 and, if SBA PCR recommendation has been rejected, has the SBA PCR been timely notified?	FAR 19.202-1, FAR 19.505, HHSAR 319.501				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.17	If this requirement was previously an SBSA, and its current size makes it unlikely for competition by SBs, or the requirement involves bundling, has coordination with SBA PCR taken place at least 30 days prior to release of RFP?	FAR 19.202-1(e)(1); 19.501(f) FAR 10.001				
A.18	If 8(a) contract is contemplated, has Offering Letter been sent to SBA?	FAR 19.804				
A.19	If 8(a) acquisition, does requirement meet the test for a single source 8(a) acquisition? If over the threshold, is the requirement set up as competitive?	FAR 19.805-1				
A.20	Has HUBZone set-aside been considered?	FAR 19.1305				
A.21	Has service-disabled veteran-owned small business (SDVOSB) set-aside been considered?	FAR 19.1405				
		Noncompetitive Contracts				
A.22	Has market research been accomplished to ensure that a noncompetitive contract is necessary?	FAR 10.002(b)(2)				
A.23	If other than full and open competition, has JOFOC been prepared and approved?	FAR 6.303-1, HHSAR 306.303-1, JOFOC Desk Guide				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Contract Type/Purchase Description/ SOW/SOO				
A.24	Is Purchase description/statement of work, specification, etc. adequate, encouraging competition or ensuring fair opportunity process, properly describing commercial products/services, if applicable, limiting use of “brand name or equal” unless justified, and following established purchase description order of preference?	FAR 11.002, 11.101(a)				
A.25	If brand name or equal, does the purchase description cover the salient physical, functional or performance characteristics of brand name?	FAR 11.104				
A.26	Do requirements documents achieve maximum practicable energy efficiency, as well as use of recovered material, environmentally preferable materials, energy- and water-efficient products, renewable energy technologies, products containing energy-efficient standby power devices, ENERGY STAR or FEMP, and biobased products, as applicable?	FAR 11.101(b). FAR 23.2, 23.4, 23.7				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.27	If requirement is for electronic products, are the Electronic Product Environmental Assessment Tool (EPEAT) standards being used?	FAR 23.705				
A.28	If Government property is to be furnished to contractor, did CO assure that required criteria are met?	FAR 45.102				
		Services				
A.29	Is there documentation that the services, if applicable, do not represent an inherently governmental function?	FAR 7.503; 11.106				
A.30	If services, has a performance-based acquisition (PBA), including PBA SOW, been written and has the acquisition plan discussed the strategies for implementing a performance-based acquisition (including associated measures, incentives, if any, and quality surveillance plan)?	FAR 7.105, 37.102, 37.6; HHSAR 307.105 HHS AP				
A.31	If PBA for services and other than a firm-fixed price basis, has rationale been documented?	FAR 7.105(b)(4)				
A.32	If services and a PBA acquisition is not being contemplated, has the acquisition plan addressed the rationale for not using PBA?	FAR 7.104, 37.102, 37.6, HHS AP HHSAR 307.7105				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Bundling				
A.33	Does Acquisition Plan address bundling, and if anticipated, was market research conducted to determine whether bundling was necessary and if so, was it justified and approved?	FAR 7.107, 19.202-1(e)(1)				
A.34	If bundled contract is anticipated, has notification to affected incumbent SB concerns taken place at least 30 days prior to release of RFP?	FAR 10.001(c)(1) & (2), 7.107(a); 19.202-1(e)(1)				
A.35	Has coordination of anticipated bundled contract taken place with HHS SBS and PCR?	FAR 19.202-1(e)(1)(iii)				
		Sources				
A.36	Has use of priority sources and existing contracts (i.e., FSS, IDIQ, GWACs) been considered?	FAR 8.002				
		EIT/EPA				
A.37	If acquiring EIT supplies/services, was Section 508 compliance assured or exception documented?	FAR 39.203				
A.38	If requirement includes EPA designated items or services that contain recovered material (>10K), was compliance assured or exception documented? (see http://www.epa.gov/cpg)	FAR 23.405				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.39	If requirement includes USDA designated items containing biobased products or materials (http://www.usda.gov/bipreferred) has compliance been ensured or exception documented?	FAR 23.405(a)(2)				
		OCOI/COI				
A.40	If potential for OCOI/COI has been determined, did CO obtain assistance/advice of technical specialists and OGC in evaluating potential conflicts?	FAR 9.504(b) (required unless waived by agency head)				
A.41	If significant potential for OCOI/COI, has CO provided written analysis, recommended course of action, draft RFP provision and contract clause?	FAR 9.504(c); 9.506(b)(1)-(3) (required unless waived by agency head)				
		D&Fs/JUSTIFI-CATIONS				
A.42	If IDIQ >\$100M, is D&F approved by HCA in file?	FAR 16.504(c)(1)(ii)D				
A.43	If applicable, has D&F been executed for evaluation or non-evaluation of options?	FAR 17.202(a), 17.206				
A.44	If submission of cost/pricing data >SAT but <\$650K, has approval been obtained?	FAR 15.403-4(a)				
A.45	If applicable, is there an approved D&F for use of a T&M or L/H contract?	FAR 16.601(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.46	If applicable, is there an approved D&F for use of a letter contract and has it been properly approved?	FAR 16.603-3(a), HHSAR 316.603-3, OAMP Policy Letter 2004-01				
A.47	If RFP is to include Quantity Surveys, (FAR 52.236.16, Alt. 1), has determination been made at one level above CO?	FAR 36.516				
A.48	If liquidated damages planned, are they adequately documented as to their need, and not considered a penalty?	FAR 11.5				
A.49	If acquisition meets the definition of “emergency acquisition flexibilities” have the available acquisition flexibilities or emergency flexibilities been considered, and if not, has the action as written been justified as to rationale for not using these flexibilities?	FAR Part 18				
A.50	If warranties determined appropriate, did CO consider criteria for use, are limitations stipulated and has approval been obtained?	FAR 46.703, 46.705, 46.704				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.51	If a particular source is excluded from competition to establish or maintain alternative source(s), has determination been made and approved?	FAR 6.202(b), HHSAR 306.202				
A.52	If contract action with Government employee or business concern substantially owned or controlled by one or more Government employees, did CO obtain exception to policy?	FAR 3.602, HHSAR 303.602				
A.53	If commercial IDIQ contract ONLY allows T&M or L/H orders, has determination been made explaining why firm-fixed-price or fixed-price with economic price adjustment was not practical?	FAR 12.207(c)				
A.54	Did CO determine insurance levels against loss of or damage to Government property and need for bonds?	FAR 28.306(b)(1)				
A.55	If multiyear contracting is used, has HCA determination been obtained?	FAR 17.105-1				
A.56	If Buy American Act –Construction Materials applies, has determination been made and approved?	FAR 25.202				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Synopsis				
A.57	If no FAR exception, has the acquisition been properly published in the FedBizOpps?	FAR 5.101 (>\$25,000), 5.202, 5.203(a) (may be < 15 days-commercial items)				
A.58	If non-competitive acquisition under a FAR Part 6 exception requiring advertising in FedBizOpps, has the synopsis been issued or is a draft synopsis in file?	FAR 6.3, 6.4, 6.5, HHSAR 306.2, 306.3, 306.5				
A.59	If CO believes that advance notice is not appropriate, has memo been sent to HHS requesting relief from synopsisizing and has it been approved?	HHSAR 305.202				
A.60	Did advance notice disclose magnitude of construction project in terms of price ranges?	FAR 36.204				
A.61	Is there a compliant presolicitation notice (or waiver)?	FAR 36.213-2(b) (unless waived by HCA)				
A.62	If brand name specifications were used was justification documented in file and posted to the GPE system (i.e., FedBizOpps [FBO]) with RFP?	FAR 11.105, OFPP Memo 4/17/06				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.63	If notice in GPE (i.e., FBO) is not required, is file documented re: use of brand name specifications?	FAR 11.105, OFPP Memo 4/17/06				
A.64	If Safety Act is applicable, does pre-solicitation notice state that pre-qualification designation notice has been requested and either issued or denied by DHS? If designation notice has been issued, has it been incorporated into RFP?	FAR 50.205-2(b)				
		Evaluation				
A.65	Are evaluation factors and significant subfactors tailored to acquisition and do they represent the key areas of importance and emphasis to be considered?	FAR 15.304(b)(1) HHSAR 315.204-5(c)(2)				
A.66	Is price or cost an evaluation factor?	FAR 15.304(c)(1)				
A.67	Do evaluation factors and significant subfactors address quality of product/service?	FAR 15.304(c)(2)				
A.68	Does RFP include a statement that indicates, at a minimum, whether all evaluation factors, other than cost or price, when combined, are significantly more important, approximately equal in importance, or significant less important, than cost or price?	FAR 15.304(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.69	Is past performance an evaluation factor or is there documentation in the file as to why past performance will not be considered?	FAR 15.304(c)(3)(ii), HHSAR 315.204-5(c)(3) (competitive >\$100K)				
A.70	Did evaluation factors and significant subfactors include extent of participation of SDB concerns in performance of the contract?	FAR 15.304(c)(4)				
A.71	If bundling and significant subcontracting opportunities exist, do evaluation factors/subfactors assure evaluation of offeror's past attainment of SB goals?	FAR 15.304(c)(3)(iii)				
A.72	If bundling and significant subcontracting opportunities exist, do evaluation factors/subfactors include evaluation of proposed SB goals in offeror's subcontracting plan?	FAR 15.304(c)(5)				
A.73	Do evaluation factors/subfactors assure that offerors are not unfavorably evaluated if telecommuting included, unless it prohibited and CO executed determination ?	FAR 15.304(c)(6), 7.108(b)				
A.74	Does RFP clearly state all factors and subfactors and their relative importance?	FAR 15.304(d), HHSAR 315.204-5(c)(1)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		IDIQ				
A.75	If IDIQ, are multiple awards anticipated, or does the file document why a single award is contemplated?	FAR 16.504(c)				
A.76	If IDIQ, have procedures for ordering been included?	FAR 16.504				
A.77	If IDIQ, have minimum and maximum quantities been included?	FAR 16.504				
A.78	If IDIQ, has period of performance been included?	FAR 16.504				
		Misc. Issues				
A.79	Does the RFP include time of delivery or performance schedule?	FAR 11.4				
A.80	If lease, is there a record of a lease or buy determination?	FAR 7.401				
A.81	If contract will involve safety/health issues, are proper clauses included?	HHSAR 323.7002				
A.82	If bonds/and or insurance are required, is proper information included in AP and RFP?	FAR 28.000				
A.83	If advisory multi-step process is used, is there compliance with procedures?	FAR 15.202				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.84	If applicable, when Earned Value Management System is to be used, has the acquisition plan complied with procedures or has agency head exemption been obtained if CO determined not to use value engineering clause?	FAR 7.105(b)(3) and (10), FAR 34.2; HHS Earned Mgmt. Value Policy-OCIO Policy for IT EVM Procedures				
A.85	Does acquisition meet test to be considered commercial item under defense against or recovery from nuclear, biological, chemical or radiological attack, or does it meet the test under FAR 12.102(g)(1)?	FAR 12.102(f)(1), 12.102(g)(1), 18.2				
A.86	Is there evidence of an internal file review?	NIH Manual 6304.71				

SECTION B – SOLICITATION PHASE

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		RFP				
B.1	Does RFP include proper NAICS code and size standard?	FAR 19.303(a)				
B.2	If solicitation period consistent with FAR 5.203?	FAR 5.203 (includes competitive 8(a) acquisitions)				
B.3	Does RFP include annual reps and certs	FAR 4.1202 and 52.204-7				
B.4	If electronic commerce was used to issue RFP and receive proposals, did RFP specify permitted electronic methods?	FAR 15.203(c)				
B.5	Is RFP issued on SF 1442 and are proper provisions included?	FAR Part 36, 52.301 Matrix, NCI RFP Workform				
B.6	Are proper clauses included (including those specific to construction at FAR 36.5)?	FAR Part 36, 52.301 Matrix, NCI Contract Workform				
B.7	Does RFP include disclosure of magnitude of construction?	FAR 36.204				
B.8	If oral RFP used, is there compliance with FAR?	FAR 15.203(f)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.9	If letter contract used in a sole source acquisition, is there compliance with FAR requirements?	FAR 15.203(e)				
B.10	If liquidated damages are used, is the clause proper?	FAR 11.503				
B.11	If potential conflict of interest is involved, does RFP include appropriate provisions?	FAR 9.504(b), 9.506(b)(1)-(3), NIH Manual 6009-1				
B.12	Does RFP include appropriate Buy American Act clauses and a list of any construction material not applicable to Buy American Act requirements?	FAR 25.1102				
B.13	Does the RFP contain the proper wage determination or a statement that it will be included later?	FAR 22.404-3, 22.404-4(a)				
B.14	If contract will require contractor to have physical access to a federally-controlled facility or access to a federal information system, has FIPS PUB 201, associated OMB guidance, and requirement for inclusion of proper clause been followed?	FAR 4.13 and 52.204-9				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.15	Does RFP include arrangements made for site inspection and examination of data concerning performance of work?	FAR 36.210, 35.213-3(c)(5)				
B.16	Does RFP include information concerning facilities to be furnished during construction?	FAR 36.213-3(c)(6)				
B.17	Does RFP include information concerning pre-proposal conference, if applicable?	FAR 36.213-3(c)				
B.18	Does RFP include special qualifications or experience requirements to be considered in determining responsibility of bidders, if applicable?	FAR 9.1, 36.213-3(c)(8)				
B.19	If applicable, are samples specified as required?	FAR 14.202-4				
B.20	If applicable, is descriptive literature specified as required?	FAR 14.202-5				
B.21	If applicable, are qualified products specified as required?	FAR 9.2, 14.210				
B.22	Does RFP include special instructions concerning proposals, alternate proposals and award?	FAR 36.213-3(c)(9)				
B.23	If applicable, does RFP include instructions concerning reporting requirements?	FAR 36.213-3(c)(10)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.24	If firm fixed-price construction contract used, did RFP include pricing (a) on a lump-sum basis, (b) a unit-price basis or (c) a combination of the 2 methods?	FAR 36.207				
B.25	Is there compliance with statutory cost limitations, as applicable?	FAR 36.205				
B.26	If applicable, did RFP include minimum amount (%) of work the contractor must perform with its own forces?	FAR 36.501				
B.27	If hazardous materials required, has FAR 52.223-3 been included?	FAR 23.303(a)				
B.28	If commercial IT is being acquired under this construction contract, is exemption from Buy American Act assured?	FAR 25.103(e)				
B.29	Are date, place and time for receipt of offers clearly stated on face page of RFP?	FAR 15.204-2				
B.30	If brand name specifications used, did RFP include required justification or documentation?	FAR 6.302-1(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.31	If CO determined that RFP contained information that required additional controls to monitor access and distribution (e.g., technical data, specifications, maps, building designs, schedules, etc.), was information made available through the Federal Technical Data Solution (FedTeDS) unless exempt?	FAR 5.102(a)(4); 5.102(a)(5) (over \$25K)				
B.32	If FedTeDS was used, did it meet FBO synopsis and advertising requirements?	FAR 5.102(a)(4)				
B.33	Does the RFP include requirement for contractor code of business ethic and conduct, and a hotline poster display, as applicable?	FAR 3.10				
B.34	If required, does solicitation include requirement for bonds/insurance?	FAR 28				
		RFP Amendments				
B.35	If oral notice of RFP amendment is used, is there compliance with FAR?	FAR 15.206(f)				
B.36	If RFP is amended, have amendments been sent to all parties receiving the RFP and was closing date extended if necessary?	FAR 15.206				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.37	If modification of wage determination – has it been handled properly in RFP?	FAR 22.404-6, 22.407(a)(8)				
		Evaluation				
B.38	Does RFP include factors and significant subfactors to be used to evaluate proposals, and their relative importance?	FAR 15.203(a)(3), HHSAR 315.204-5(c)				
B.39	If applicable, has a price evaluation adjustment for HUBZone concerns been included?	FAR 19.1307				
B.40	If applicable, has a price evaluation adjustment for SDB concerns been included?	FAR 19.1307				
B.41	If Government property offered, does RFP include evaluation procedures to be followed and require submittal of stated information with offerors' proposals?	FAR 45.201(c)				
B.42	Does RFP provide basis for award?	FAR 15.304				
		Options				
B.43	If options included, did CO justify and document in contract file?	FAR 17.205				
B.44	If options included, does the RFP provide the basis for evaluation?	FAR 17.203(b), HHSAR 317.201				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.45	If options included, does the RFP limit the term to 10 years for services (except those subject to SCA – 5 years), and 5 years for supplies? (N/A for IT contracts and R&D contracts)	FAR 17.204(e), HHSAR 317.204(e)				
B.46	If options included, is provision at FAR 52.217-5 included?	FAR 17.202(a)				
B.47	If option to extend term of contract is included, did RFP include a method to provide allowance for increases/decreases in labor costs resulting from inclusion of current WDs upon exercise of options?	FAR 22.404-12				
		IDIQ				
B.48	If IDIQ contract contemplated, are multiple awards being made or is there a justification for a single award?	FAR 16.5				
B.49	Does the RFP specify the period of performance, the minimum and maximum quantities, procedures for fair opportunity, etc. necessary under IDIQ contracts?	FAR 16.504(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Cost/Pricing Data – Non-FP				
B.50	Does RFP adhere to pricing policy and used order of precedence for determining type of cost or pricing data required? Did CO comply with prohibition on obtaining cost or pricing data?	FAR 15.402, 15.403-1				
B.51	If RFP will waive requirement for cost or pricing data, has HCA approved waiver?	FAR 15.403-1(c)(4)				
B.52	Does RFP include instructions for submission of cost or pricing data or other than cost or pricing data (information)?	FAR 15.403(5)(a)(1)-(4)				
B.53	If submission of cost or pricing data is required, does RFP state that such data can be submitted in offeror's own format?	FAR 15.403-5(b)(2) (unless CO determines a specific format is essential)				
B.54	If cost-reimbursement contract is used, is RFP appropriately structured as Level of Effort or Completion type and is proper language used?	FAR 16.3				
B.55	If RFP will require submission of cost or pricing data >100K but <\$650K, has HCA authorized CO to obtain the data?	FAR 15.403-4(a)(2)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		PROPERTY				
B.56	If Government property offered, does RFP include a listing of property with minimum information stated?	FAR 45.102, 45.201(a)				
B.57	If Government property offered in a competitive acquisition, does RFP state that contractor is responsible for all costs related to making the property available for use?	FAR 45.201(b)				
B.58	If Government property was offered, did RFP include evaluation procedures to be followed and require offerors to submit specified information with their proposal?	FAR 45.201(c)				
B.59	If use of Government property was anticipated on more than one contract, did SOW include additional instructions regarding property management, accountability and use?	FAR 45.201(d)				
		Misc. Issues				
B.60	If PBA methods used, is a Performance Work Statement (PWS) or Statement of Objectives (SOO) included in RFP, as well as a Quality Assurance Surveillance Plan (either in RFP or to be developed by offeror)?	FAR37.604, 46.401(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.61	If solicitation included Quantity Surveys (FAR 52.236-16, Alt. 1), has determination been made one level above co?	FAR 36.516				
		Multiyear Contracting				
B.62	If multi-year contracting used, did RFP include all required factors to be considered in evaluation?	FAR 17.106-2				
B.63	If multi-year contracting used, did RFP include required clauses?	FAR 17.109				

SECTION C – RECEIPT, EVALUATION AND AWARD

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Receipt				
C.1	Have proposals been received no later than time set for receipt of offers, and if not, are late proposals handled properly?	FAR 15.208, HHSAR 315.208				
C.2	Are proposal modifications, revisions, or withdrawals handled properly?	FAR 15.208, HHSAR 315.208				
C.3	If electronic proposals were permitted, were any unreadable electronic bids handled properly?	FAR 15.203(c)				
		Evaluation				
C.4	If unsolicited proposal, were procedures appropriately followed?	FAR 15.6, HHSAR 315.6				
C.5	Do at least 50% of HHS evaluators have appropriate training?	HHSAR 307.170-2				
C.6	If past performance is an evaluation factor, has it been properly evaluated? Has http://www.ppirs.gov/ been used to check past performance?	FAR 15.305				
C.7	Was technical evaluation conducted in accordance with stated evaluation factors?	FAR 15.305(a)(1), 15.404-1(a)-(c)				
C.8	Were any restrictions on disclosure of descriptive literature handled properly?	FAR 15.306(e)(2), HHSAR 315.305(a)(3)(ii) (F)(3)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.9	Were restrictions on use of support contractor personnel for proposal evaluation complied with?	FAR 15.305(c), 37.203(d)				
C.10	Was cost information furnished to members of technical panel?	FAR 15.305(a)(4), 15.404-1(e)				
C.11	If option quantities or periods were solicited, was proper evaluation conducted?	FAR 17.206				
C.12	Are evaluators' certifications in file?	HHSAR 315.305(a)(3)(ii)(E)(2) and (3)				
C.13	Is a technical evaluation report in the file and does it contain a report of relative strengths and weaknesses of each offeror?	FAR 15.305, HHSAR 315.305(a)(3)(vi)				
C.14	Was small business subcontracting evaluation accomplished properly?	FAR 15.305(a)(5)				
C.15	Has the Project Officer completed the Project Officer Technical Evaluation Questionnaire and have his/her comments been taken into account during negotiations?	HHSAR 315.306, NIH Manual 6015-1 and 6315-1				
C.16	If foreign construction material was proposed, was appropriate percentage applied to price for evaluation purposes?	FAR 25.204				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.17	If applicable, did proposal evaluation consider any potentially unfair competitive advantage resulting from possession of Government property by adjusting offers to apply, for evaluation purposes only, a rental equivalent evaluation factor?	FAR 45.202(a)				
C.18	If Government property is to be used by contractor, did CO ensure that the offeror's property management plans, methods, practices, or procedures for accounting for the property were consistent with RFP requirements?	FAR 45.202(b)				
		Communications				
C.20	If award to be made without discussions, were exchanges limited to clarifications?	FAR 15.306(a)				
C.21	Have communications held with offerors before establishment of competitive range been compliant?	FAR 15.306				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Competitive Range (for competitive RFPs)				
C.22	Has competitive range determination been sufficiently documented?	FAR 15.306(c)				
C.23	Has notice been given to offerors excluded from competitive range or otherwise eliminated from competition?	FAR 15.503(a)(1)				
		Discussions				
C.24	Have exchanges with offerors after establishment of competitive range followed stipulated procedures?	FAR 15.306(d) and (e), HHSAR 316.306(d)				
C.25	Have proposal revisions/final proposal revision been handled properly?	FAR 15.307, HHSAR 315.307				
C.26	Have any finalization of details with the selected source taken place, and if so, are they in accordance with established guidelines?	HHSAR 315.370				
		Cost Analysis				
C.27	Has cost analysis, price analysis, cost realism been performed as required?	FAR 15.404, HHSAR 315.404-2				
C.27	If cost analysis was performed, is there adequate evaluation of negotiated direct labor costs?	FAR 31.202; OMB Circular A-21				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.28	If cost analysis was performed, is there adequate evaluation of negotiated fringe benefit costs?	FAR 31.202; OMB Circular A-21				
C.29	If cost analysis was performed, is there adequate evaluation of negotiated materials and supplies costs?	FAR 31.202; OMB Circular A-21				
C.30	If cost analysis was performed, is there adequate evaluation of negotiated other direct costs?	FAR 31.202; OMB Circular A-21				
C.31	If cost analysis was performed, is there adequate evaluation of negotiated indirect costs?	FAR 31.202; OMB Circular A-21				
C.32	If cost analysis report has been provided from DFAS or through field pricing information, have recommendations been followed or has the file been documented justifying why the recommendations were not followed?	FAR Part 15, NIH Manual 6015-1				
C.33	Has subcontract pricing been appropriately considered?	FAR 15.404-3				
C.34	Has profit been adequately analyzed?	FAR 15.404-4, HHSAR 315.404-4				
C.35	If cost or pricing data was required, did contractor execute a proper Certificate of Current Cost or Pricing Data?	FAR 15.406-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.36	If cost or pricing data waived, is waiver in accordance with stipulated guidelines?	FAR 15.403-1(c)(4)				
C.37	If CO learned that any cost or pricing data was inaccurate, incomplete, or noncurrent, is there compliance with procedures in FAR?	FAR 15.407-1				
		OCOI/COI				
C.38	If COI existed that could not be avoided or mitigated, did CO notify contractor, provide reasons and allowed the contractor a reasonable opportunity to respond?	FAR 9.504(e)				
C.39	Has CO resolved any conflict, or potential conflict of interest before contract award?	FAR 9.506(d), 9.503				
C.40	If CO found that it was in best interest of the Government to award contract notwithstanding a COI/OCOI, was a written waiver obtained?	FAR 9503, 9.504(e)				
		Negotiations				
C.41	Have prenegotiation objectives, including profit or fee objectives been established?	FAR 15.406-1, 15.404-1, 315.404-4				
C.42	Were written final proposal revisions requested with common cut-off date?	FAR 15.307				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Award				
C.43	If award being made to country identified on List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (www.dol.gov/ilab/) has proper certification been obtained?	FAR 22.1503				
C.44	Does award document include all required clauses for the type of contract used?	FAR 52.301, NCI Workform				
C.45	If applicable, have procedures for TAA acquisitions been followed and have the proper notifications to unsuccessful WTO offerors been prepared?	FAR 25.408; FAR 25.5				
C.46	If applicable, has Buy American Act determination been made and approved?	FAR 25.103(b)(2), HHSAR 325.102(a)				
C.47	Has price reasonableness been established, based on adequate price competition, prices set by law or regulation, commercial items?	FAR 15.406-3, HHSAR 315.372				
C.48	Is an adequate, signed negotiation memorandum (“Summary of Negotiations”) in the file?	FAR 15.406-3, HHSAR 315.372				
C.49	Does Summary of Negotiations adequately address negotiated amounts for each contract period?	FAR 15.406-3(a)(7),(8), HHSAR 315.372(g)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.50	Is Summary of Negotiations internally consistent with the cost/price amounts for each contract period and with the contract document?	FAR 15.406-3(a)(7), (8); HHSAR 315.372(g)				
C.51	If Facilities Capital Cost of Money was proposed/negotiated, was a dollar-for-dollar offset made to fee or profit objective?	FAR 31.205-10				
C.52	Was affirmative determination of responsibility (including financial responsibility) made?	FAR 9.103(b), 9.104-1; HHSAR 315.372				
C.53	Is there adequate documentation in file to support responsibility determination (e.g, current balance sheet analysis with financial ratios computed, a current D&B report, line of verifications, etc.)?	FAR 9.104-1				
C.54	If non-responsible offer from small business, was nonresponsibility determination referred to SBA?	FAR 9.103				
C.55	If applicable, were offerors provided current wage determination prior to submission of final proposal revision?	FAR 22.404-2				
C.56	If project wage determination, did CO ensure award prior to its expiration?	FAR 22.404-5(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.57	If protest before award, was it handled properly?	FAR 33.1, NIH Manual 6033-1 and 6033-2				
C.58	If agency protest, were OGC and NIH PCO consulted and did they concur with response prepared by contracting officer?	HHSAR 333.103,				
C.59	Was Excluded Parties List System (EPLS) checked?	FAR 9.405(d)(1) & (4)				
C.60	If SBSA, was there a proper preaward notice to offerors, unless CO made determination of urgency?	FAR 15.503(a)				
C.61	Was there an approved subcontracting plan, if applicable?	FAR 19.702a)(2) (req. for LB award over \$550K)				
C.62	If subcontracting plan is applicable, has it been included as a part of the contract?	FAR 19.705-5(a)(5)				
C.63	Are proper bonds/insurance in file and documented?	FAR 28.000				
C.64	If PBA, did CO ensure that contract includes a PWS, measurable performance standards, a method of assessing contractor performance against performance standards, and performance incentives, if appropriate?	FAR 37.601				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.65	If FPI item determined to provide best value to the Government as a result of FPI's response to RFP, were proper ordering procedures followed?	FAR 8.602(a)(4)				
C.66	Was EEO Clearance received?	FAR 22.805 (required >\$10M exc. Construction)				
C.67	If EVMS was required, did award document include proper clause?	FAR 34.203, 52.234-4				
C.68	Are contractor's Representations and Certifications (Reps & Certs) complete and accurate or, if used, are electronic Reps & Certs referenced in contract file adequate?	FAR 4.803(a)(11), 4.1201, 15.204-5				
C.69	If applicable, are performance-based finance payments established in contract only to extent actually needed for performance?	FAR 32.1004(b). 32.104				
C.70	If letter contract and based on price competition, price ceiling established and is definitization schedule included in contract?	FAR 16.603-2(b) and (c)				
C.71	Is there written assurance that adequate funds are available (funds certification), or is award conditioned on availability of funds?	FAR 32.702, 32.703-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.72	Is contract signed by a warranted CO and is amount within his/her authority?	FAR 1.601, 4.101				
C.73	Is there evidence of an internal file review of contract and documentation?	NIH Manual 6304.71				
C.74	Is draft FedBizOpps Award Notice in file?	FAR 5.301 (required >\$25K)				
C.75	Is draft public award announcement (“Congressional Liaison Officer”) in file?	FAR 5.303(a), HHSAR 305.303(a) (required > \$3.5M)				
C.76	Has CO assured that contractor is in CCR?	FAR 4.1103				
C.77	Has CO entered contract into Prism/Compusearch (NBS) and completed DCIS documentation within the required timeframes?	FAR 4.604(b); HHSAR 304.602, NBS				
C.78	Has source selection information been appropriately marked?	FAR 3.104-4				
C.79	If requested, was compliant preaward debriefing conducted, and documented?	FAR 15.505				
C.80	If advance payments are appropriate is executed D&F in file?	FAR 32.402(c)				
C.81	If applicable, is use of incremental funding appropriate?	HHSAR 332.702				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.82	Is contract-specified timetable consistent with planned phases or increments and corresponding allotments of funds?	HHSAR 332.703-1(b)(2)				
C.83	At time of award, if less than the first year of performance funded, did the CO document file as to why it was advantageous to Gov't. & did the funding cover a complete phase or increment of performance?	HHSAR 332.703-1(b)(5)				
C.84	Does contract contain precise requirements for progress reports, if applicable?	HHSAR 332.703-1(b)(7)				
C.85	If letter contract, is it appropriate and compliant with requirements?	FAR 16.603, HHSAR 316.603				
C.86	Did CO ensure that construction contract was not awarded to a firm or subsidiary that designed the project without approval of HCA?	FAR 36.309				
C.87	Did Co ensure that statutory cost limitations were not exceeded, if applicable?	FAR 36.205(a)				
C.88	Is source selection proper and sufficiently documented?	FAR 15.308				
C.89	Does contract reflect agreement of the parties?	HHSAR 315.371(a)(2)				
C.90	If appropriate, are CAS clauses included in contract?	FAR 30.201-4, Appendix 9903-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.91	Has written postaward notice been provided within 3 days after contract award to each offer in competitive range but not selected for award?	FAR 15.503(b)				
C.92	Has preaward notice been made to offerors when using HUBZone procedures or service-disabled veteran-owned procedures?	FAR 15.503(a)(2)(i)(C) and (D)				
C.93	Has preaward notice been given to offerors if SDB concern received benefit based on disadvantaged status?	FAR 15.502(a)(2)(i)(B)				
C.94	If applicable, is there a record of the debriefings in contract file?	FAR 15.506				

SECTION D – Contract Administration

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.1	Is preconstruction conference held or is there an explanatory letter of significant matters issued?	FAR 22.406-1, 36.212				
D.2	If performance/payment bond required, did contractor furnish before notice to proceed issued?	FAR 28.103-1				
D.3	Did contractor furnish certificate of insurance prior to Notice to Proceed?	FAR28.306(b)				
D.4	Has Notice to Proceed been issued and acknowledged?	FAR 11.104(b), 36.213-4, 52.211-10				
D.5	If letter contract or undefinitized action, was contract definitized in a timely manner?	FAR 16.603				
D.6	Is COTR designated in writing and does COTR/PO have training in accordance with HHSAR requirements or has a waiver obtained?	HHSAR 307.170 and 307.170-1 and 2				
D.7	Has compliant postaward debriefing been held if requested and is there a record in the file?	FAR 15.506				
D.8	If FAR 52.219-28 was included in contract, did contractor represent its size status upon occurrence of events stipulated?	FAR 19.308(d), 52.219-28(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.9	Is contractor size status representation validated or updated in the ORCA and its data in the CCR also updated to reflect current status?	FAR19.308(d), FAR 52.219-28				
D.10	If CO was notified of possible contractor violation of Federal criminal law, have proper procedures been followed, including coordination with OIG?	FAR 3.1003(b)				
D.11	If task/delivery order over \$5M under IDIQ, does requirement sent under fair opportunity provide proper information?	FAR 16.505(a)(9)(b) (ii)				
D.12	If task/delivery order over \$5M under IDIQ, has CO properly notified unsuccessful offerors?	FAR 16.505(b)(4)				
		Post Award Protests				
D.13	If protest after award, has CO determination for agency protest been handled timely?	FAR 33.104				
D.14	If protest after award, has CO obtained concurrence from Protest Control Officer (and OGC, if agency protest)?	HHSAR 333.103(f)(2)(iii)				
D.15	If protest after award, has CO followed appropriate protest procedures in response to protest filed with GAO?	FAR 33.104, HHSAR 333.104 NIH Manual 6033-1 & 6033-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.16	If protest after award of task/delivery order under IDIQ, and if <\$10M, is it only on the basis that order increases scope, period, or maximum value of contract?	FAR 16.505(a)(9)(i)				
D.17	If applicable, has D&F to allow performance been properly approved?	FAR 33.104(c) & (d), HHSAR 333.104(c) & (d), NIH Manual 6033-2				
		Modifications and Change Orders				
D.18	Are contract modifications properly documented, citing correct authority and funding, within scope, and issued properly as unilateral or bilateral?	FAR 43				
D.19	If modification is for new work, is approved JOFOC in file?	FAR 6.303, HHSAR 306.303, JOFOC Desk Guide				
D.20	Did CO ensure availability of funds prior to issuing modification/change order?	FAR 43.105				
D.21	If change order issued, is it within scope, within parameters of Changes clause and signed by a warranted CO (within his/her authority)?	FAR 43.2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.22	If change order issued, was equitable adjustment definitized?	FAR 43.2				
D.23	If change orders have been executed, were they definitized in a timely manner?	FAR 43.204				
D.24	Does supplemental agreement definitizing a change order include a Contractor's Statement of Release?	FAR 43.204(c)				
D.25	Where applicable, are contractor's requests for equitable adjustment processed in accordance with FAR 50.103 and is there a compliant approval/denial Memorandum of Decision in file?	FAR 50.103-6				
D.26	Has contract modification been entered into Prism/Compusearch (NBS) and FPDS (through DCIS), including mods for change in size status, as applicable?	FAR 4.604(b)(5); NBS				
D.27	If a contract with options and a subcontracting plan was required, or if a modification to a contract, have revised subcontracting goals been negotiated?	FAR 19.705-2				
		Claims				
D.28	Are claims/disputes handled properly?	FAR 33.2, HHSAR 333.2				
D.29	Has CO made a timely response to contractor dispute under CDA?	FAR 33.211(c)-(f)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.30	Has contractor submitted certified claim under CDA?	FAR 33.207				
D.31	Has CO consulted OGC in resolving dispute under CDA?	HHSAR 333.211				
D.32	Has CO successfully resolved claim under CDA?	FAR 33.210				
D.33	Has CO rendered final decision IAW FAR & agency provisions?	FAR 33.211, HHSAR 333.211				
D.34	If applicable, is alternate dispute resolution process used?	FAR 33.214				
		Management				
D.35	If mistake after award, have appropriate procedures been followed?	FAR 15.508				
D.36	If options included in contract, have they been executed properly and documented?	FAR 17.207				
D.37	If exercise of option to extend term of construction contract, was contract modified to include most current wage determination?	FAR 22.404-12(a)				
D.38	Have contractor's invoices been reviewed/approved/disapproved in a timely manner?	FAR 32				
D.39	If satisfactory progress has not been made, has CO exercised right to withhold payment (up to maximum of 10%) until satisfactory progress has been achieved?	FAR 32.111(a)(5), 52.232-5				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.40	If termination for convenience/default deemed necessary, was process handled properly?	FAR 49				
D.41	If novation/change of name agreement requested, was process handled properly?	FAR 42.12				
D.42	Are past performance evaluations for construction contracts (interim/final) in file?	FAR 36.201(a) (if >\$550K, or if contract was terminated, >\$10K)				
D.43	Is there compliance with acceptance/inspection/quality assurance requirements?	FAR 46.102				
D.44	If cost overrun, has coordination taken place with program office, additional funds request received from contractor, statement from program office to fund/terminate contract, fixed fee unadjusted?	HHSAR 342.7101, 342.7102				
D.45	Have debarment/suspension procedures been properly followed?	FAR 9.4, HHSAR 309.4				
D.46	Has there been consent to subcontracts or approved system?	FAR 44.201				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.47	Was an analysis conducted of the contractor's property management policies, procedures, practices and systems, and if noncompliant, did CO provide written notification as required?	FAR 45.105				
D.48	Has Value Engineering Change Proposal (VECP) been received and processed appropriately?	FAR 48.103				
D.49	Are subcontracting compliance reports submitted by prime contractor and subcontractors (using eSRS), and have they been evaluated?	FAR 19.704(a)(10), 19.705-6, 19.705-7, 19.706 (Required for Large Bus. >\$1M)				
D.50	If applicable, has award fee evaluation been properly conducted?	FAR 16.404(a)(2), 16.405- 2(b)(3)				
D.51	Did CO ensure that contractor was furnished DOL Form WH-1321?	FAR 22.404-10				

SECTION E – Contract Closeout

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
E.1	Has final payment/settlement been made?	FAR 4.804-5				
E.2	Have administrative closeout procedures been accomplished?	FAR 4.804-5				
E.3	Has contract completion statement been prepared?	FAR 4.804-5(b)				
E.4	Has disposition of GFP/GFE been addressed?	FAR 45.603				
E.5	Has final past performance evaluation been received?	FAR 42.1502, 42.1503 (over \$100K)				
E.6	If applicable, has a contract audit in accordance with agency procedures been performed?	HHSAR 304.804-70				
E.7	Have storage, handling & disposal of contract files been accomplished in accordance with agency procedures?	FAR 4.805				
E.8	Has closeout been accomplished in a timely manner?	FAR 4.804-1				
E.9	Has the HHS GWAC contract been used to accomplish closeout, or has a justification been prepared for the file?	HHS guidance				
E.10	Have excess funds been deobligated and returned to customer?	FAR 4.804-5				