

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

REVIEW TYPE	
<input type="checkbox"/> Presolicitation	<input type="checkbox"/> Preaward
<input type="checkbox"/> 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				
A.3	Was acquisition plan developed by entire team and has each participant been identified in the AP?	FAR 7.102(b), FAR 7.105				
A.4	Does AP discuss the rationale for the contract type selected and is type appropriate for the requirement?	FAR 16.103 HHS AP template				
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	FAR 6.303, 6.304				

	approved?					
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No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
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; 36.203, 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	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.11	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.12	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)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.13	If funded with disaster assistance funds and requested by the DHS, does the acquisition include requirement to display any fraud hotline poster applicable to specific project?	FAR 3.1003(b)(2)				
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				
A.15	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				
		SMALL BUSINESS				
A16	If exceeding specified thresholds, was acquisition plan coordinated with small business specialist (HHS-653) and review and approval granted by the SBA PCR? If applicable, were proper appeal procedures followed?	FAR 7.104(d); HHSAR 319.501				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.17	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 notified?	FAR 19.202-1, FAR 19.505, HHSAR 319.501				
A.18	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.19	Was Hub-Zone set-aside considered?	FAR 19.1305				
A.20	Has service-disabled veteran-owned small business (SDVOSB) set-aside been considered?	FAR 19.1405				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		PD/SOW/PWS/ SOO				
A.21	Is purchase description, statement of work, specification, etc. adequate, encouraging competition or ensuring fair opportunity process, properly describing 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.22	Do requirements documents achieve maximum practicable energy efficiency, as well as use of recovered materials, environmentally preferable materials, energy- and water-efficient products, renewable energy technologies, products containing energy-efficient standby power devices, ENERGY STAR or FEMP products as required, and biobased products, as applicable?	FAR 11.101(b), FAR 23.2, 23.4, 23.7				
A.23	If requirement is for electronic products, are the Electronic Product Environmental Assessment Tool (EPEAT) standards being used?	FAR 23.705				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.24	If Government property is to be furnished to awardee, did CO assure that required criteria are met?	FAR 45.102				
		SERVICES				
A.25	Is there documentation that the services, if applicable, do not represent an inherently governmental function?	FAR 7.503; 11.106				
A.26	If applicable, 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 assurance surveillance plan)?	FAR 7.105, 37.102, 37.6, HHSAR 307.105, HHS AP				
A.27	If a PBA acquisition is not being contemplated, has the AP addressed the rationale for not using PBA?	FAR 7.104, 37.102, 37.6, HHSAR 307.7105 HHS AP				
		BUNDLING				
A.28	Does Acquisition Plan address bundling, and if anticipated, was market research conducted to determine whether bundling was necessary and if so, was it justified, reviewed and approved?	FAR 7.107, 19.202-1(e)(1)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.29	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.30	Has coordination of anticipated bundled contract taken place with HHS SBS and PCR?	FAR 19.202-1(e)(1)(iii)				
		SOURCES				
A.31	Has use of priority sources and existing contracts (i.e., FSS, IDIQ, GWASs) been considered?	FAR 8.002				
		EIT/EPA				
A.32	If acquiring EIT supplies/services, was Section 508 compliance assured or exception documented?	FAR 39.203				
A.33	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				
A.34	If requirement includes USDA designated items containing biobased products or materials (http://www.usda.gov/biopreferred) has compliance been ensured or exception documented?	FAR 23.405(a)(2)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		OCOI/COI				
A.35	If potential for OCOI/COI determined, did CO get advice of technical specialists and OGC in evaluating potential conflicts?	FAR 9.504(b) (Req. unless waived by agency head)				
A.36	If significant potential COI, did CO provide written analysis, recommended course of action, draft IFB provision and proposed contract clause, as applicable, to the chief of the contracting office for resolving the conflict?	FAR 9.504(c), 9.506(b)(1)-(3) (Req. unless waived by agency head)				
		IDIQ CONTRACTS				
A.37	If IDIQ, are multiple awards anticipated, or does the file document why a single award is contemplated?	FAR 16.504(c)				
A.38	If IDIQ, have procedures for ordering been included?	FAR 16.504				
A.39	If IDIQ, have minimum and maximum quantities been included?	FAR 16.504				
A.40	If IDIQ, has period of performance been included?	FAR 16.504				
		D&Fs/JUSTIFI- CATIONS				
A.41	If IDIQ >\$100M, is D&F approved by HCA in file?	FAR 16.504(c)(1)(ii)(D)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.42	If applicable, has D&F been executed for evaluation or non-evaluation of options?	FAR 17.202(a), 17.206				
A.43	If IFB is to include Quantity Surveys, (FAR 52.236.16, Alt. 1), has determination been made at one level above CO?	FAR 36.516				
A.44	If warranties were determined appropriate, did CO consider criteria for use and stipulate limitations?	FAR 46.703, 46.705				
A.45	If liquidated damages planned, are they adequately documented as to their need, and not considered a penalty?	FAR 11.5				
A.46	If multiyear contracting is used, has HCA determination been made?	FAR 17.105-1				
A.47	If source(s) are excluded under FAR 6.202, has determination been made and approved?	FAR 6.202(b), HHSAR 306.202				
A.48	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				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
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 applicable, has D&F been approved under Buy American Act-Construction Materials?	FAR 25.2				
		SYNOPSIS				
A.51	If no FAR exception, has the acquisition been published in the FedBizOpps?	FAR 5.101 (>\$25,000), 5.202, 5.203(a) (may be < 15 days-commercial items)				
A.52	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.53	Did advance notice disclose magnitude of construction project in terms of price ranges?	FAR 36.204				
A.54	Is there a compliant presolicitation notice (or waiver)?	FAR 36.213-2(b) (unless waived by HCA)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.55	If brand name specifications were used was justification documented in file and posted to the GPE system (i.e., FedBizOpps [FBO]) with IFB?	FAR 11.105, OFPP Memo 4/17/06				
A.56	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.57	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 IFB?	FAR 50.205-2(b)				
		MISC. ISSUES				
A.58	Does the IFB include time of delivery or performance schedule?	FAR 11.4				
A.59	If lease, is there a record of a lease or buy determination?	FAR 7.401				
A.60	If bonds/and or insurance are required, is proper information included in AP and IFB?	FAR 28.000				
A.61	If contract will involve safety/health issues, are proper clauses included?	HHSAR 323.7002				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.62	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.63	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.64	If applicable, are stipulated conditions present for use of 2-step sealed bidding?	FAR 14.502				
A.65	Has requisition been entered into I-Procurement (NBS) (or for NIAID – into AMBIS)?	NBS requirement				
A.66	Is there evidence of an internal file review (and Board Review if applicable) and are all issues resolved?	NIH Manual 6304.71				

SECTION B – SOLICITATION PHASE

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		IFB				
B.1	Is IFB set up as a firm-fixed price or fixed price with economic price adjustment ?	FAR 14.104				
B.2	Does IFB include proper NAICS code and size standard?	FAR 19.303(a)				
B.3	If solicitation period consistent with FAR 5.203 (i.e., transmission of notice to GPE which is published at least 15 days before issuance of RFP, and is solicitation period open for the required time (i.e., 30 days)?	FAR 5.203 (includes competitive 8(a) acquisitions)				
B.4	Does IFB include annual reps and certs	FAR 4.1202 and 52.204-7				
B.5	If electronic commerce was used to issue IFB and receive bids, did IFB specify permitted electronic methods?	FAR 14.202-8				
B.6	Is IFB issued on SF 1442 and are proper provisions included?	FAR 53.236-1 FAR Matrix, NCI RFP Workform				
B.7	Are proper clauses included (including those specific to construction at FAR 36.5)?	FAR Part 36, 52.2, FAR Matrix, NCI Contract Workform				
B.8	Does IFB include disclosure of magnitude of construction?	FAR 36.204				
B.9	If liquidated damages are used, is the clause proper?	FAR 11.503				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.10	If potential conflict of interest is involved, does IFB include appropriate provisions?	FAR 9.504(b), 9.506(b)(1)-(3), NIH Manual 6009-1				
B.11	Does IFB include appropriate Buy American Act clauses and a list of any construction material not applicable to Buy American Act requirements?	FAR 25.1102				
B.12	Does the IFB contain the proper wage determination or a statement that it will be included later?	FAR 22.404-3, 22.404-4(a)				
B.13	If requirement is for services, does IFB include FAR 52.222-50?	FAR 22.1703, 22.1705				
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				
B.15	Are date, place and time for bid opening clearly stated on face page of IFB?	FAR 14.3				
B.16	Does IFB include period of performance?	FAR 11.4, 36.213- 3(c)				
B.17	Does IFB include arrangements made for site inspection and examination of data concerning performance of work?	FAR 36.210, 35.213-3(c)(5)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.18	Does IFB include information concerning facilities to be furnished during construction?	FAR 36.213-3(c)(6)				
B.19	Does IFB include information concerning prebid conference, if applicable?	FAR 36.213-3(c)				
B.20	Does IFB 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.21	If IFB included Quantity Surveys (FAR 52.236.16, Alt. 1), has determination been made one level above CO?	FAR 36.516				
B.22	If applicable, are bid samples specified as required?	FAR 14.202-4				
B.23	If applicable, is descriptive literature specified as required?	FAR 14.202-5				
B.24	If applicable, are qualified products specified as required?	FAR 9.2, 14.210				
B.25	If brand name specifications used, did CO include with IFB the justification or documentation required?	FAR 5.102(a)(6), 6.302-1(c), 6.305, 11.105 13.106-1(b), 14.501				
B.26	Does IFB include special instructions concerning bids, alternate bids and award?	FAR 36.213-3(c)(9)				
B.27	Does IFB 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.28	Has solicitation included requirement for bonds/insurance?	FAR 28.102				
B.29	If CO determined that IFB 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.30	If FedTeDS was used, was it in conjunction with the GPE solicitation notice to meet synopsis and advertising requirements of FAR Part 5?	FAR 5.102(a)(4)				
B.31	If PBA methods used, is a Performance Work Statement (PWS) or Statement of Objectives (SOO) included in IFB, as well as a Quality Assurance Surveillance Plan (either in IFB or to be developed by offeror)?	FAR 37.604, 46.401(a)				
B.32	If firm fixed-price construction contract used, did IFB 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.33	Is there compliance with statutory cost limitations, as applicable?	FAR 36.205				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
B.34	If applicable, did IFB include minimum amount (%) of work the contractor must perform with its own forces?	FAR 36.501				
B.35	If hazardous materials required, has FAR 52.223-3 been included?	FAR 23.303(a)				
B.36	If commercial IT is being acquired under this construction contract, is exemption from Buy American Act assured?	FAR 25.103(e)				
B.37	Does the RFP include requirement for contractor code of business ethic and conduct, and a hotline poster display, as applicable?	FAR 3.10				
		OCOI/COI				
B.38	If potential conflict of interest involved, does solicitation include appropriate provisions?	FAR 9.504(b), 9.506(d)				
		PROPERTY				
B.39	If Government property is offered, does IFB include listing of property with minimum information stated?	FAR 45.201(a)				
B.40	If Government property offered in a competitive acquisition, did IFB specify that contractor is responsible for all costs related to making the property available for use?	FAR 45.201(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.41	If Government property is offered, does IFB include evaluation procedures to be followed and require submittal of necessary information with bids?	FAR 45.201(c)				
B.42	If use of Government property is anticipated on more than one contract, does SOW include additional instructions regarding property management, accountability and use?	FAR 45.201(d)				
		IFB AMENDMENTS				
B.43	If oral notice of IFB amendment is used (i.e. during a pre-bid conference), is there compliance with FAR?	FAR 14.208				
B.44	If IFB is amended, is it on proper form, have amendments been sent to all parties receiving the IFB and was opening date extended if necessary?	FAR 14.208				
B.45	If modification of wage determination – has it been handled properly in IFB?	FAR 22.404-6, 22.407(a)(8)				
		EVALUATION				
B.46	If applicable, has a price evaluation adjustment for HUBZone concerns been included?	FAR 19.1307				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.47	Does IFB include price-related factors, if applicable for evaluation and is the evaluation method and basis for award clearly stated?	FAR 14.201-8				
B.48	If Government property offered, does IFB include evaluation procedures to be followed and require submittal of stated information with offerors' bids?	FAR 45.201(c)				
		OPTIONS				
B.49	If options included, did CO justify and document in contract file?	FAR 17.205				
B.50	If options included, is FAR 52.217-5, Evaluation of Options included?	FAR 17.202(a)				
B.51	If options included, does the IFB provide the basis for evaluation?	FAR 17.203(b), HHSAR 317.201				
B.52	If options included, does the IFB 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.53	If option to extend term of contract is included, did IFB 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				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		IDIQ				
B.54	If IDIQ contract contemplated, are multiple awards being made or is there a justification for a single award?	FAR 16.5				
B.55	Does the IFB specify the period of performance, the minimum and maximum quantities, procedures for fair opportunity, etc. necessary under IDIQ contracts?	FAR 16.504(a)				
		MULTI-YEAR CONTRACTING				
B.56	If multi-year contracting used, did IFB include all required factors to be considered in evaluation?	FAR 17.106-2				
B.57	If multi-year contracting used, did IFB include required clauses?	FAR 17.109				
		2-STEP CONST. SB – ADDITIONAL ITEMS				
B.58	Were reviews obtained and issues resolved for Step 1 RTP?	FAR 1.602-2(c), 14.202-6				
B.59	Was Step 1 RTP synopsis properly, or if exception to synopsis, was it properly documented?	FAR 14.503-1(a)(1)-(10) and (b), FAR 5.102(a)(1), 5.102(a)(5)				
B.60	Did Step 1 RTP include appropriate NAICS code and size standard?	FAR 19.303(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.61	Were names of firms submitting acceptable technical proposals in Step 1 listed in FedBizOpps for benefit of prospective subcontractors?	FAR 14.503-2(b)				
B.62	Were reviews obtained and issues resolved for Step 2 IFB?	FAR 1.602-2(c)				
B.63	Did Step 2 IFB include proper provisions?	FAR 14.503-2, 14.503-3				
B.64	Did Step 2 IFB state that bidders shall comply with specifications and bidder's technical proposal?	FAR 14.503-2(a)(2)				
B.65	Was Step 2 IFB issued only to offerors submitting acceptable technical proposals in Step 1?	FAR 14.503-2(a)(1)				
B.66	Was it ensured that Step 2 IFB was not synopsisized nor publicly posted?	FAR 14.503-2(a)(4)				

SECTION C – RECEIPT, EVALUATION AND AWARD

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		RECEIPT				
C.1	Have bids been received no later than time set for bid opening, and if not, are late bids handled properly?	FAR 14.304				
C.2	If 2-step sealed bidding, were Step 2 bids submitted not later than the date and time set for bid opening?	FAR 14.302(a)				
C.3	If bid opening was postponed, were proper procedures followed?	FAR 14.402-3				
C.4	Was public bid opening conducted and bids properly recorded and made available for public inspection??	FAR 14.402-1, 14.403(a)				
C.5	Are proposal modifications, revisions, or withdrawals handled properly?	FAR 14.303, 14.304				
C.6	If electronic proposals were permitted, were any unreadable electronic bids handled properly?	FAR 14.406				
C.7	If applicable, were late bids handled properly?	FAR 14.304				
		REJECTIONS/ CANCELLATION				
C.8	If IFB cancelled after bid opening, and CO determination that negotiation was in Government's best interests, were proper procedures followed?	FAR 14.404-1(f)(1), (2); HHSAR 314.404-1				
C.9	If IFB cancelled before opening, were proper procedures followed?	FAR 14.209				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.10	If IFB cancelled before opening, were number of bids invited and received recorded?	FAR 14.403(d)				
C.11	If IFB cancelled after opening, was there an agency head (HCA) determination made (i.e., negotiation after bidding)?	FAR 14.404-1, HHSAR 314.404-1				
C.12	If individual bids were rejected, are proper procedures followed?	FAR 14.404-2				
C.13	If bid guarantee is noncompliant, has bid been rejected or has CO waived requirement?	FAR 28.101-4(a)				
C.14	If all bids were rejected, did CO notify bidders of reason?	FAR 14.404-3				
		EVALUATION				
C.15	Are all or none bids handled properly?	FAR 14.404-5				
C.16	Has bid responsiveness been determined?	FAR 14.301				
C.17	Did CO evaluate bids in accordance with the method described in the IFB and is award being made to the responsive, responsible bidder whose bid will be most advantageous to the Government, considering only price and price-related factors included in IFB?	FAR 14.408-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.18	Did bid evaluation consider any potentially unfair competitive advantage resulting from possession of Government property by adjusting offers by applying (for evaluation purposes only) a rental equivalent?	FAR 17.206				
C.19	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 solicitation requirements?	FAR 45.202(b)				
C.20	If economic price adjustment proposed by either bidder or Government, was evaluation handled properly?	FAR 14.408-4(a) and (b)				
C.21	If foreign construction material was proposed, was appropriate percentage applied to price for evaluation purposes?	FAR 25.204				
C.22	If option quantities or periods were solicited, was proper evaluation conducted?	FAR 17.206				
C.23	If less than 3 bids received, did CO ascertain reason and document for future actions?	FAR 14.408-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		OCOI/COI				
C.24	Has CO resolved any conflict, or potential conflict of interest before contract award?	FAR 9.506(d), 9.503				
C.25	If OCOI/COI existed that could not be avoided/mitigated, did CO notify offeror, provide the reasons and allow the offeror to respond?	FAR 9.504(e)				
C.26	If CO found that it was in the best interest of the Government to award a contract notwithstanding a OCOI/COI was a written waiver obtained and included in contract file?	FAR 9.503, 9.504(e)				
C.27	Were any restrictions on disclosure of descriptive literature handled properly?	FAR 14.404-4				
		MISTAKES OR INFORMALITIES				
C.28	Have mistakes in bid been handled properly?	FAR 14.407-1				
C.29	Have minor bid informalities or irregularities been properly handled?	FAR 14.405				
		PROTESTS				
C.30	If protest before award, was it handled properly?	FAR 33.1, NIH Manual 6033-1 and 6033-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.31	If agency protest before award, were OGC and NIH PCO consulted and did they concur with response prepared by contracting officer?	HHSAR 333.103,				
		OCOI/COI				
C.32	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.33	Has CO resolved any conflict, or potential conflict of interest before contract award?	FAR 9.506(d), 9.503				
C.34	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)				
		AWARD				
C.35	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.36	If award is delayed after bid opening, were extensions to bid acceptance periods obtained?	FAR 14.404-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.37	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.38	Are all required clauses in contract?	FAR Matrix NCI Workform				
C.39	If applicable, has Buy American Act determination been made and approved?	FAR 25.103(b)(2), HHSAR 325.102(a)				
C.40	Was affirmative determination of responsibility (including financial responsibility) made?	FAR 9.103(b), 9.104-1; HHSAR 315.372				
C.41	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 verification, etc.)?	FAR 9.104-1				
C.42	If non-responsible offer from small business, was nonresponsibility determination referred to SBA??	FAR 9.103				
C.43	Was Excluded Parties List System (EPLS) checked?	FAR 9.405(d)(1) & (4)				
C.44	Has price analysis and price reasonableness determination been performed as required?	FAR 14.408-1 and 2				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
C.45	Was there an approved subcontracting plan, if applicable?	FAR 19.702(a)(2) (req. for LB award over \$550K) HHSAR 319.705-5(a)(3)				
C.46	If subcontracting plan is applicable, has it been included as a part of the contract?	FAR 19.705-5(a)(5)				
C.47	Was EEO Clearance received?	FAR 22.805 (required >\$10M exc. Construction)				
C.48	Are contractor's Representations and Certifications 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.49	Is there written assurance that adequate funds are available (funds certification), or is the award conditioned upon availability of funds?	FAR 32.702, 32.703-2				
C.50	Is contract signed by a warranted CO and is amount within his/her authority?	FAR 1.601, 4.101				
C.51	Is there evidence of an internal file review of contract and documentation?	NIH Manual 6304.71				
C.52	Is draft FedBizOpps Award Notice in file?	FAR 5.301 (required >\$25K)				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
C.53	Is draft public award announcement (“Congressional Liaison Office”) in file?	FAR 5.303(a), HHSAR 305.303(a) (required > \$3.5M)				
C.54	Has CO assured that contractor is in CCR?	FAR 4.1103				
C.55	Has CO completed DCIS documentation within required timeframes and entered contract into Prism/Compusearch (NBS)?	FAR 4.604(b); HHSAR 304.602, NBS				
C.56	Was award made by written or electronic notice, and furnished to successful bidder within acceptable time specified in bid?	FAR 14.408-1, 36.701				
C.57	Has written or electronic post-award notice been provided within 3 calendar days after contract award to each unsuccessful bidder?	FAR 14.409-1				
C.58	Has source selection information been appropriately marked?	FAR 3.104-4				
C.59	Does contract contain precise requirements for progress reports, if applicable?	HHSAR 332.703- 1(b)(7)				
C.60	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.61	Did Co ensure that statutory cost limitations were not exceeded, if applicable?	FAR 36.205(a)				
C.62	If two or more equal low bids, was the resolution proper?	FAR 14.408-6				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
C.63	Does contract contain precise requirements for progress reports, if applicable?	HHSAR 332.703-1(b)(7)				
C.64	Are proper bonds/insurance in file and documented?	FAR 28.000				
C.65	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				
C.66	If FPI item determined to provide best value to the Government as a result of FPI's response to IFB, were proper ordering procedures followed?	FAR 8.602(a)(4)				
C.67	Is current wage determination included in contract.	FAR 22.404-2				
C.68	If project wage determination, did CO ensure award prior to its expiration?	FAR 22.404-5(a)				
C.69	Has written or electronic post-award notice been provided within 3 calendar days after contract award to each unsuccessful bidder?	FAR 14.409-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		2-STEP CONST. SB – ADDITIONAL ITEMS				
C.70	Were technical proposals submitted in Step 1 timely and handled properly?	FAR 14.503-1, 14.401, 14.403(a)				
C.71	Were late technical proposals submitted in response to Step 1 RTP handled properly?	FAR 14.502-1(h)				
C.72	In Step 1, was evaluation made of proposals as (a) acceptable, (b) reasonably susceptible of being made acceptable, or (c) unacceptable, based on criteria in RTP?	FAR 14.503-1(e)(2)				
C.73	In Step 1, were proposals which modified, or failed to conform with the essential requirements/specifications of the RTP determined to be nonresponsive and unacceptable?	FAR 14.503-1(e)(2)				
C.74	If insufficient acceptable proposals received to ensure price competition under Step 2, did CO identify proposal deficiencies and request clarifying/supplemental info?	FAR 14.503-1(f)(1) & (2)				
C.75	If Step 1 proposal unacceptable, did CO inform offerors of basis for determination?	FAR 14.503-1(g)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.76	Was debriefing held if requested by unsuccessful offerors in Step 1?	FAR 14.503-1(g)				
C.77	If 2-Step SB discontinued, did CO include statement of facts and circumstances in contract file and notify each offeror in writing?	FAR 14.503-1(i)				
C.78	Was responsiveness of Step 2 bids determined?	FAR 14.301				
C.79	Were Step 2 bids submitted timely, and if late, were they handled properly?	FAR 14.302(a), 14.304(b)(1)				
C.80	Was a public bid opening held for Step 2 bids?	FAR 14.402-1, 14.402-2				
C.81	Was submission, modification or withdrawal of bids in Step 2 handled properly?	FAR 14.302, 14.303, 14.304				
C.82	If Step 2 bid opening postponed, were proper procedures followed?	FAR 14.402-3				
C.83	If individual Step 2 bids rejected, were proper procedures followed?	FAR 14.404-2				
C.84	If all Step 2 bids rejected, did CO notify all bidders with reason?	FAR 14.404-3				
C.85	Were all or none qualifications in Step 2 bids handled properly?	FAR 14.404-5				
C.86	For Step 2 bids, were minor bid informalities and mistakes in bid handled properly?	FAR 14.405, 14.407-1, 14.407-2, 14.407-3				

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	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.6	If FAR 52.219-28 included in contract, did contractor represent its size status upon occurrence of cited events?	FAR 19.308(d)				
D.7	Is contractor size status representation validated or updated in the ORCA and its data in the CCR to reflect its current status?	FAR 19.308(d); 52.219-28				
D.8	If CO was notified of possible contractor violation of Federal criminal law, have proper procedures been followed,	FAR 3.1003(b)				

	including coordination with OIG?					
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No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.9	If task/delivery order over \$5M under IDIQ, does requirement sent under fair opportunity provide proper information?	FAR 16.505(a)(9)(b)(iii)				
D.10	If task/delivery order over \$5M under IDIQ, has CO properly notified unsuccessful offerors?	FAR 16.505(b)(4)				
		POST AWARD PROTESTS				
D.11	If protest after award, has CO determination for agency protest been handled timely?	FAR 33.104				
D.12	If protest after award, has CO obtained concurrence from Protest Control Officer (and OGC, if agency protest)?	HHSAR 333.103(f)(2)(iii)				
D.13	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				
D.14	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.15	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				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		MODIFICATIONS AND CHANGE ORDERS				
D.16	Are contract modifications/change orders properly documented, citing correct authority and funding, within scope, and issued properly by warranted CO as unilateral or bilateral?	FAR 43.1, 43.201, 43.202				
D.17	Did CO ensure availability of funds prior to issuing modification/change order?	FAR 43.105				
D.18	If modification is for new work, is approved JOFOC in file?	FAR 6.303, HHSAR 306-303, JOFOC Desk Guide				
D.19	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				
D.20	If change order issued, was equitable adjustment definitized?	FAR 43.2				
D.21	If change orders have been executed, were they definitized in a timely manner?	FAR 43.204				
D.22	Does supplemental agreement definitizing a change order include a Contractor's Statement of Release?	FAR 43.204(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.23	Where applicable, are contractor's requests for equitable adjustment processed IAW FAR 50.103 and is there a compliant approval/denial Memorandum of Decision in file?	FAR 50.103-6				
D.24	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				
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 4.606(b)(5); NBS				
		CLAIMS				
D.27	Are claims/disputes handled properly?	FAR 33.2, HHSAR 333.2				
D.28	Has CO made a timely response to contractor dispute under CDA?	FAR 33.211(c)-(f)				
D.29	Has contractor submitted certified claim under CDA?	FAR 33.207				
D.30	Has CO consulted OGC in resolving dispute under CDA?	HHSAR 333.211				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
D.31	Has CO successfully resolved claim under CDA?	FAR 33.210				
D.32	Has CO rendered final decision IAW FAR & agency provisions?	FAR 33.211, HHSAR 333.211				
D.33	If applicable, is alternate dispute resolution process used?	FAR 33.214				
		MANAGEMENT				
D.34	If mistake after award, have appropriate procedures been followed?	FAR 14.407-4				
D.35	If options included in contract, have they been executed properly and documented?	FAR 17.207				
D.36	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.37	Have contractor's invoices been reviewed/approved/disapproved in a timely manner?	FAR 32				
D.38	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				
D.39	If termination for convenience/default deemed necessary, was process handled properly?	FAR 49				

No.	Action Item	FAR/HHSAR Part	Yes	No	N/A	Comments
D.40	If novation/change of name agreement requested, was process handled properly?	FAR 42.12				
D.41	Are past performance evaluations for construction contracts (interim/final) in file?	FAR 36.201(a) (if >\$550K, or if contract was terminated, >\$10K)				
D.42	Is there compliance with acceptance/inspection/quality assurance requirements?	FAR 46.102				
D.43	Have debarment/suspension procedures been properly followed?	FAR 9.4, HHSAR 309.4				
D.44	Are subcontracting compliance reports submitted by prime contractor/subcontractors and have they been evaluated?	FAR 19.704(a)(10), 19.705-6, 19.705-7, 19.706 (Required for Large Bus. > \$1M)				
D.45	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.46	Has Value Engineering Change Proposal (VECP) been received and processed appropriately?	FAR 48.103				
D.47	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 (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				