

TMA Procedures, Guidance, and Information (PGI)

TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

(Revised May 21, 2012)

201.1 - Purpose, Authority, Issuance

201.170-90 - Board of Review

- (1) TRICARE Acquisition Directive (TAD) 01-02 establishes the Board of Review (BOR) policy for TRICARE Management Activity (TMA).
- (2) Overview - The BOR is the panel convened by TMA to ensure significant contracting decisions, contract actions, and related documentation meet standards for integrity, quality, accuracy, and compliance with all applicable acquisition policies. A BOR must be convened prior to certain key milestones for contract actions with an aggregate estimated value, inclusive of option periods, equal to or greater than \$6.5 million and for certain key contracting decisions as described in TAD 01-02 Enclosure 2.
- (3) The Contracting Officer (CO) will determine if a BOR is required in accordance with TAD 01-02 as early as possible when approaching major contracting decisions or generating key documents throughout the procurement lifecycle. See item (9), Figure 1, BOR Process Flow, for the typical sequence of BOR activities.
 - a. The list of contracting decisions and actions in TAD 01-02 Enclosure 2 requiring a BOR is organized based on the timing within the acquisition lifecycle; decisions and actions within the same phase can be reviewed in a single, combined BOR. Combining of BORs will be at the discretion of the CO, in coordination with the Chief/Director of the originating contracting office and the BOR Chairperson.
 - b. Regardless of dollar value, if a contracting decision or action includes contentious issues or topics with a broad TMA impact, the CO should discuss the issues/topics with the responsible Branch Chief and Division Chief/Director. If determined necessary, the CO will schedule a BOR.
 - c. The CO should thoroughly consider the BOR's recommendations and work with the BOR to obtain concurrence. The CO must make independent decisions and should consider the potential impact resulting from a particular course of action.
- (4) The CO is responsible for preparing for a BOR with assistance from the Contract Specialist and Subject Matter Experts (SMEs), as needed.

TMA Procedures, Guidance, and Information (PGI)

TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

(Revised May 21, 2012)

- a. The SMEs from TMA requiring activities and program offices may be asked to provide supporting documentation (e.g., technical drawings, specifications) or other applicable background information to the CO in preparation for the BOR meeting. Further, SMEs may be invited to attend the BOR meeting to provide comments regarding the decision or action being reviewed. The SMEs should be knowledgeable and informed about the proposed action and represent program office interests during the BOR process.
 - b. The CO may use TMA Form 835, “Team Lead Review Checklist,” or a locally generated contract file checklist, to ensure the BOR package is complete and ready for a BOR. The checklist is a tool for the contracting office and should not be included as part of the BOR package. See item (10) for example documents in a BOR package.
- (5) The CO will compile the BOR documents electronically and obtain the reviews required in section 4.4 of TAD 01-02 prior to requesting the BOR. The Contract Policy & Pricing Branch (CP&PB) of the Acquisition Policy and Compliance Division (AP&CD) and Office of General Counsel (OGC) reviews should be obtained concurrently and prior to the review by the authority one level above the CO. The reviews are advisory in nature, are not binding on the CO, and do not absolve the CO of responsibility for the contract decision or action. In general:
- a. The CP&PB review will assess sufficiency of compliance with applicable regulations and TMA policy.
 - b. The OGC review will assess the legal sufficiency of the subject decision or action.
 - c. The review by the authority one level above the CO will assess the sufficiency of the justifications and will consider the consistency of approaches/decisions within the Branch and Division respectively.
- (6) Upon obtaining the reviews described in item (5), the CO will sign the TMA Form 703 and will coordinate with the Staff Assistant from the originating contracting office and the BOR Chairperson to schedule a BOR. While the BOR must convene as a group, the geographic location of BOR Members and participants should be considered when arranging meeting facilities.

TMA Procedures, Guidance, and Information (PGI)

TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

(Revised May 21, 2012)

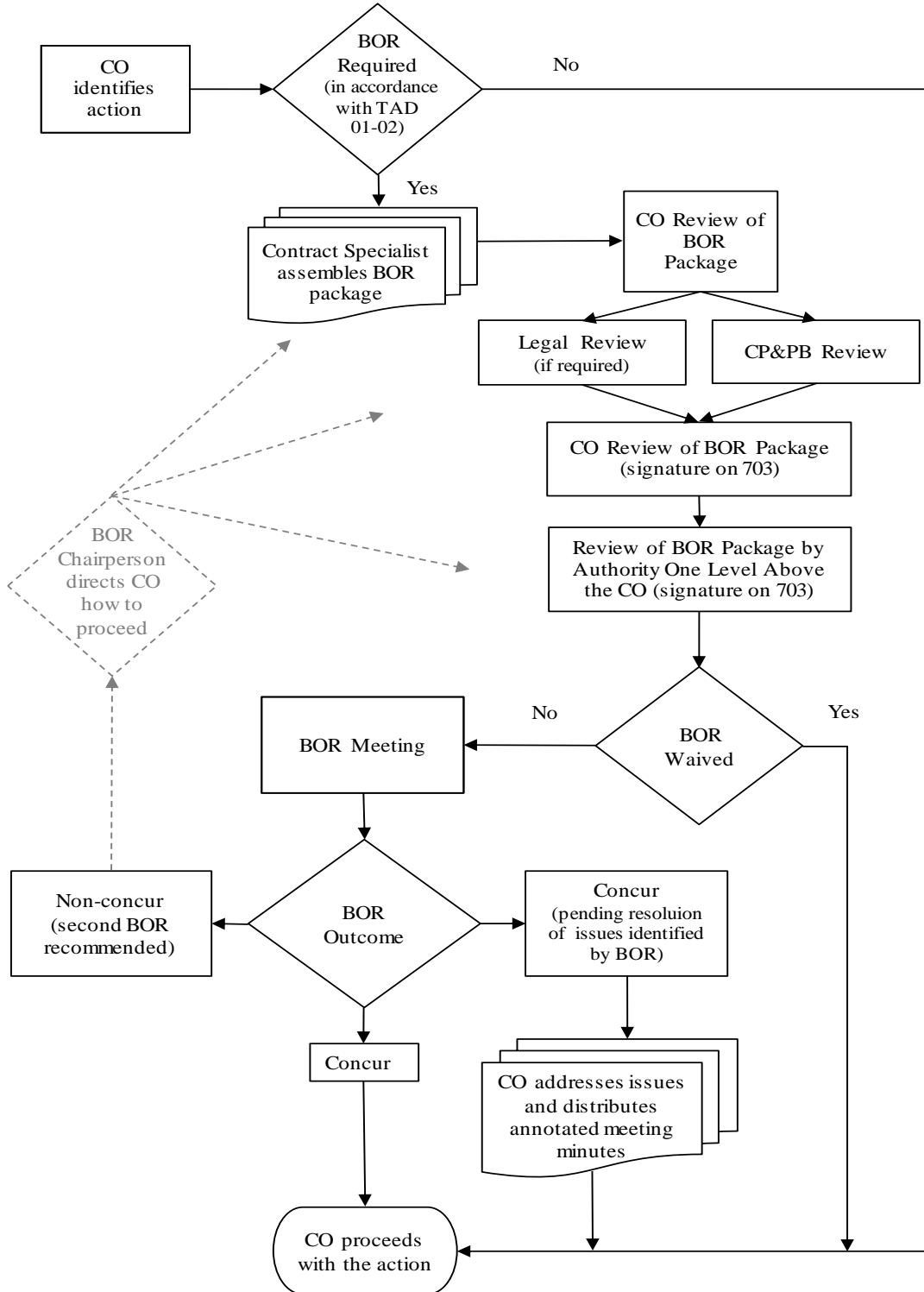
- (7) The BOR will convene and the CO, or designee, will present the proposed contracting decision/action, address questions, and provide any necessary clarifications.
- a. The Staff Assistant from the originating contracting office will take meeting minutes, consolidate reviewer comments, and distribute final minutes to the BOR Chairperson, CO, Contract Specialist, and any participant requesting a copy.
 - b. The BOR outcome and comments will be annotated on the TMA Form 703.
 - i. If the BOR concurs, then all Members present will sign the TMA Form 703.
 - ii. If the BOR concurs pending resolution of deficiencies, then all Members present will sign the TMA Form 703. The CO will review and address the noted issues then annotate the meeting minutes with final resolution/actions taken, including recommendations incorporated or an explanation of why recommendations were not incorporated. The CO will provide, and the Staff Assistant will distribute, a copy of annotated minutes to the responsible Branch Chief, Division Chief/Director, and the BOR Chairperson prior to proceeding with the action.
 - iii. If the BOR does not concur and recommends convening a second BOR, the CO will review and address the noted issues and annotate the meeting minutes with final resolution/actions taken, to include recommendations incorporated or an explanation of why recommendations were not incorporated. If a second BOR is convened, the BOR will review the CO's resolution. Unless deemed necessary by the CO or requested by the BOR Chairperson or the responsible Branch Chief, another CP&PB and OGC review is not required.
- (8) The BOR process should be completely and thoroughly documented.
- a. The CO will ensure the contract file contains the final BOR package, the fully executed TMA Form 703, all BOR recommendations, final resolution/actions taken, and all supporting documentation.
 - b. The CP&PB of the AP&CD will establish a central repository for BOR activity on the AM&S shared drive; within this repository, the contracting office Staff Assistants will maintain a log of all convened BORs, copies of final BOR meeting minutes, and the fully executed TMA Forms 703 for their respective contracting offices.

TMA Procedures, Guidance, and Information (PGI)

TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

(Revised May 21, 2012)

(9) Figure 1 depicts the typical BOR process flow.



TMA Procedures, Guidance, and Information (PGI)

TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

(Revised May 21, 2012)

Figure 1- BOR Process Flow

- (10) Tables 1 and 2 include examples of supporting documents for inclusion in the BOR package. These are not comprehensive lists and the CO is responsible for ensuring inclusion of appropriate and sufficient documentation to support the decision or action.

Pre-Award BOR Package Supporting Document Examples	
1	Requirements document, to include the Acquisition Decision Memorandum
2	Acquisition strategy
3	Acquisition plan
4	Source selection plan
5	Final Source Selection Authority determination and source selection decision
6	Award/incentive fee arrangements, documentation of any required HCA Determination and Findings (D&Fs) regarding non-availability of objective criteria
7	Justification and Approval for use of non-competitive procedures
8	TMA Price Negotiation Memorandum (PNM)
9	D&F documents
10	Draft contract
11	Manpower Official's written determination that none of the functions to be performed under this contract action are inherently governmental

Table 1 – Pre-award BOR Package Supporting Documents

Post-Award BOR Package Supporting Document Examples	
1	Requirements document
2	Business arrangement, including business case analysis as appropriate
3	Equitable Adjustment/Modification PNM including documentation of cost/price negotiation and the assessment of contractor risk in determining profit or fee
4	Contract and/or applicable modifications
5	Contractor Performance Assessment Report
6	Technical evaluation
7	Defense Contract Audit Agency audits
8	Manpower Official's written determination that none of the functions to be performed under this contract action are inherently governmental

Table 2 – Post-award BOR Package Supporting Documents