

**NIH BOARD OF CONTRACT AWARDS REVIEW CHECKLIST  
 NEGOTIATED ACQUISITIONS  
 (including R&D and Commercial Acquisition)**

<b>( ) Presolicitation</b>	<b>( ) Preaward</b>	<b>REVIEW TYPE ( ) Postaward</b>
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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
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**SECTION A – Acquisition Planning**

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Acquisition Planning</b>				
A.1	Was adequate market research performed?	FAR 7.102; 10.001, 10.002; 12.101 (> Simplified Acquisition Threshold); HHSAR 307.71, 310				
A.2	If RFI or exchanges with industry, were they conducted properly?	FAR 15.201, HHSAR 315.201				
A.3	If multi-agency or intra-agency contracting is to be used, has sufficient market research been performed to consider relative merits/costs of available contracts and contracting offices to meet the requesting organization’s need?	HHSAR 317.7002				
A.4	Does File contain an adequate Acquisition Plan (AP), addressing all FAR and HHSAR requirements, including, as required, a discussion in the AP of Internet Protocol compliance?	FAR 7.105; HHSAR 307.71 (>\$500K – but see doc. requirements for <\$500K or other exceptions at 307.7101) <a href="#">HHS AR template</a>				
A.5	Does AP discuss the rationale for the contract type selected & is type appropriate for the requirement?	FAR 7.103; 7.105; 16.103 <a href="#">HHS AR template</a>				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.6	If other than firm fixed price contract contemplate, is the acquisition plan approved and signed at least one level above the contracting officer?	FAR 7.103				
A.7	For other than firm-fixed price contracts, is there a discussion of strategy planned to transition to firm-fixed price contracts to the maximum extent practicable?	FAR 7.105				
A.8	If cost-reimbursement, does AP discuss why a level-of-effort, price redetermination or fee provision was included, as applicable?	FAR 16.103(v)				
A.9	If contract can't be entirely firm-fixed price, has contracting officer considered whether or not a portion of the contract can be established on a firm-fixed price basis?	FAR 16.104(e)				
A.10	If cost-reimbursement contract, does AP discuss appropriate Government surveillance during performance?	FAR 16.301-3(a)(4)(ii)				
A.11	If R&D, has file been documented to indicate whether cost-sharing has been considered, and in what amount?	HHSAR 335.070-1				
A.12	Was acquisition plan developed by entire team and has each participant been identified in the AP?	FAR 7.102(b) FAR7.105				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.13	Did the Government develop an independent government cost estimate and is it adequate?	FAR 7.105; HHSAR 307.7103				
A.14	Is there evidence of milestone planning/scheduling?	FAR 7.105(b)(20); HHSAR 307.7106				
A.15	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 6.302-1(c), 6.302-1(d), 6.303, 6.304				
A.16	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.17	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)				
A.18	If contract is award-fee type, does it include an award-fee plan that establishes the procedures for evaluating award fee and an Award-Fee Board for conducting the award-fee evaluation, which must be approved by the Fee Determining Official, and is the plan compliant with FAR?	FAR 16.401(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.19	If award fee contract, as part of the acquisition planning process, has the CO collected relevant data on award fee and incentive fees paid to contracts and included performance measures to evaluate such data and fees, and is this documented in the contract file?	FAR 16.401(f)				
A.20	Is there evidence of adequate funding or intent to commit funds?	HHSAR 307.7104				
A.21	Does the file contain evidence of PO and COTR, or, as applicable, Program and/or Project Manger required training or an authorization to perform these duties on interim basis?	HHSAR 301.604-301.607				
A.22	If applicable, has CO checked the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor ( <a href="http://www.dol.gov/ilab/">www.dol.gov/ilab/</a> )?	FAR 22.1503				
A.23	If contracting for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities in the U.S. & outlying areas, has the CO consulted the Disaster Response Registry at <a href="http://www.ccr.gov">www.ccr.gov</a> ?	FAR 4.1104, 7.103(v), 18.102. 26.205				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.24	Has the CO used commercially available market research methods to identify the capabilities of small businesses and new entrants into Federal contracting that are available to meet the government's requirements for a contingency operation or defense against or recovery from nuclear, biological, chemical, or radiological attack and disaster relief, including debris removal, distribution of supplies, reconstruction and other disaster or emergency relief activities?	FAR 10.001(a)(2)(v)				
		<b>Small Business</b>				
A.25	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); FAR 19.501; HHSAR 319.501				
A.26	If CO rejects the SBS' or SBA PCR's recommendation, has the justification been documented on the HHS Form 653 and, if SBA PCR recommendation has been rejected, has the SBA PCR been 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.27	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.28	If 8(a) contract, has Offering Letter been sent to SBA?	FAR 19.804				
A.29	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.30	If award of 8(a) sole source contract over \$20 million, has JOFOC been written and approval obtained?	FAR 6.302-5; 6.303-1; 6.303-2; 19.808-1(a)				
A.31	Has 8(a) contract been considered?	FAR 19.203				
A.32	Has HUBZone set-aside been considered?	FAR 19.1305				
A.33	Has service-disabled veteran-owned small business (SDVOSB) set-aside been considered?	FAR 19.1405				
A.34	Has Women-Owned Small Business (WOSB) set-aside or Economically Disadvantaged Women-owned Small Business (EDWOSB) set-aside been considered?	FAR 4.803(a)(6), 4.803(a)(42), 6.207, 18.117, 19.402				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.35	Has consideration been given to setting aside a part of a multiple award contract for small business concerns?	FAR 12.207, 16.505(b)(2)(i)(F) 19.502-4, 19.811- 3, 19.1309, 19.1407, 19.1506				
		<b>Contract Type/Purchase Description/ SOW/SOO</b>				
A.36	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.37	If brand name or equal, does the purchase description cover the salient physical, functional or performance characteristics of brand name?	FAR 11.104				
A.38	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.39	Did requirements documents and solicitations comply with the policy at FAR 11.002(d) regarding procurement of biobased products, products containing recovered materials, environmentally preferable products and services, including Electronic Product Assessment Tool (EPEAT)-registered electronic products, nontoxic or low-toxic alternatives, ENERGY STAR and FEMP-designated products, renewable energy, water-efficient products and non-ozone depleting products?	FAR 7.103, 11.101, FAR 23.1, 23.2, 23.4				
A.40	If applicable, is there a requirement to purchase recycled content and biobased products which meet or exceed the minimum recycled or biobased content of an EPA or USDA designated product?	FAR 23.403				
A.41	If construction, are requirements of E.O. 13514 included and does FedBizZOpps notice contain the proper description?	FAR 5.207(c)(11), 36.104				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.42	If electronic commerce methods are not used, does solicitation state that contractors are required to submit paper documents to the Government related to the acquisition printed or copied double-sided on at least 30% postconsumer fiber paper?	FAR 4.302(b)				
A.43	If applicable, does solicitation for contractor-operation of Government-owned or leased facilities or vehicles located in the U.S. comply with EMS requirements?	FAR 23.9				
A.44	If Government property to be furnished to contractor, were the criteria at FAR 45.102 met?	FAR 45.102				
		<b>OCOI/COI</b>				
A.45	If potential for OCOI determined, has CO obtained assistance/advice of legal counsel and technical specialists in evaluating potential conflicts?	FAR 9.504(b)				
A.46	If significant potential COI, has CO provided written analysis, recommended course of action, and draft RFP provision and contract clause?	FAR 9.504(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Noncompetitive Contracts</b>				
A.47	Has market research been accomplished to ensure that a noncompetitive contract is necessary?	FAR 10.002(b)(2)				
A.48	If other than full and open competition, has JOFOC been prepared and approved, and made publically available as applicable?	FAR 6.303-1, 6.304,6.305 HHSAR 306.3				
A.49	If JOFOC under FAR 6.302-2, is the total period of a performance under the resulting contract not exceeding the time necessary to meet the unusual & compelling requirements, less than the time necessary to award the contract competitively, and not exceeding one year unless the head of the agency has determined that exceptional circumstances apply (det. may be made after contract award – see FAR 6.302-2(d)(5))	FAR 6.302-2(d)				
		<b>Service Contract</b>				
A.50	If Service Contract Act (SCA) is not applicable, is the rationale adequately documented, or if SCA is applicable, is wage determination in the file or being requested via e98 process?	FAR 22.1002, 22.1008-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.51	Is there documentation that the services, if applicable, do not represent an inherently governmental function?	FAR 7.503; 11.106				
A.52	If services, has performance-based acquisition (PBA), incl. 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 <a href="#">HHS AR template</a>				
A.53	If PBA for services and other than a firm-fixed price basis, has rationale been documented?	FAR 7.105(b)(4)				
A.54	If services, and PBA is not being contemplated, has the AP addressed the rationale for not using PBA?	FAR 7.104, 37.102, 37.6, <a href="#">HHS AR template</a>				
		<b>Bundling</b>				
A.55	Does AP address bundling and was market research conducted to determine whether bundling was necessary and if so, was it justified and approved?	FAR 7.107, 16.505(a), 19.202-1(e)(1)				
A.56	If bundled contract, has notification to affected incumbent SB concerns taken place?	FAR 10.001(c)(1) & (2)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.57	Has coordination of anticipated bundled contract taken place with HHS SBS and PCR?	FAR19.202-1(e)(1)(iii)				
		<b>Sources</b>				
A.58	Has use of priority sources and existing contracts (FSS, IDIQ, GWACs) been considered?	FAR 8.002				
A.59	If purchasing supplies of the classes listed in the FPI Schedule, was market research conducted to determine comparability w/FPI item and written determination made?	FAR 8.602(b) (required > \$3.000)				
A.60	If interagency acquisition, have proper procedures been followed?	FAR 8.404, 17.501, 17.502,17.503, 17.504				
		<b>EIT/EPA</b>				
A.61	If acquiring EIT supplies/services, was Section 508 compliance assured, proper standards included in AP and SOW/PWS, or exception documented?	FAR 39.203; HHSAR 311.7001; 339.2				
A.62	If acquiring EIT supplies/services, including EIT deliverables such as electronic documents and reports), has a separate technical evaluation factor or a mandatory qualification factor been included in the RFP?	HHSAR 315.304				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.63	If EIT products/services required subject to Section 508, are commercially available products/services be acquired to the maximum extent practicable while ensuring Section 508 compliance?	HHSAR 312.202(d)				
A.64	If EIT products/services do not meet some or all of the applicable Section 508 accessibility standards, has a commercial nonavailability exception determination been properly processed?	HHSAR 312.2, 339.203				
A.65	If requirement includes EPA designated items or services that contain recovered material (>10K), was compliance assured or exception documented? (see <a href="http://www.epa.gov/cpg">http://www.epa.gov/cpg</a> )	FAR 23.405				
A.66	If requirement includes USDA designated items containing biobased products or materials ( <a href="http://www.usda.gov/biopREFERRED">http://www.usda.gov/biopREFERRED</a> ) has compliance been ensured or exception documented?	FAR 23.405(a)(2)				
A.67	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
		<b>R&amp;D Issues</b>				
A.68	If R&D, is there evidence of peer review of concept and 75% of reviewers were/will be non-Government?	HHSAR 315.303-70), NIH Manual 6315-1				
		<b>IT/FISMA Issues</b>				
A.69	If IT requirement, have agency planners complied with capital planning and investment control requirements in 40 USC 11312 and OMB Circular A-130?	FAR 7.103(t)				
A.70	If IT requirement, are IT security requirements in FISMA, OMB's implementing policies (including Appendix III of OMB Circular A-130) and NIST guidance and standards being followed?	FAR 7.103(u), 39.101, 39.106, HHSAR 304.13, 339.1, 339.2				
A.71	If commercial IT is being acquired, has exemption from Buy American Act been assured?	FAR 25.103(e)				
A.72	If IT requirement, are appropriate IT security policies and requirements, including use of common security configurations available from NIST at <a href="http://checklists.nist.gov">http://checklists.nist.gov</a> incorporated in RFP?	FAR 39.101(d), HHSAR 339.1, 352.239-70				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>D&amp;Fs</b>				
A.73	If IDIQ >103M (including all options), is D&F approved by HCA in file?	FAR 16.504(c)(1)(ii) (D)				
A.74	If applicable, is there an approved D&F for use of a T&M or LH contract?	FAR 16.601(c)				
A.75	If applicable, is there a properly approved D&F for use of a letter contract?	FAR 16.603-3(a), HHSAR 316.603, OAMP Policy Letter 2004-01				
A.76	If circumstances described at HHSAR 317.7003 or 317.7004 are present, have necessary D&Fs been prepared and approved?	HHSAR 317.7003, 317.7004				
A.77	If applicable, has D&F been executed for evaluation or non-evaluation of options?	FAR 17.206				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.78	If establishment of GWAC, MAC or agency-specific contract anticipated and solicitation released after 12/31/2011, was business case developed & approved over \$250 million (FY13- approval threshold is \$100 million, FY 14 approval threshold is 50 million, and is Part I of the business case posted on the “Business Case Community Page” in MAX ( <a href="https://max.omb.gov/community/x/b5G81Q">https://max.omb.gov/community/x/b5G81Q</a> ?	OFPP Memorandum dated 9/29/11				
		<b>Multi-Year Contracting</b>				
A.79	If multi-year contracting used, has HCA determination been properly executed, or if conditions at HHSAR 317.105-1(b) are present, is SPE approval obtained and Congress notified, as applicable?	FAR 17.105-1, HHSAR 317.105, 317.108 (including interim HHSAR coverage)				
A.80	If options used as part of multi-year contract, is the performance of a non-severable service no longer than 5 years?	HHSAR 317.107				
A.81	If a particular source has been excluded from contract action to establish or maintain alternative source/sources, has determination been made and approved?	FAR 6.202(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.82	If contract action is with a Government employee or business concern substantially owned/controlled by one or more Government employees, has HCA authorized exception?	FAR 3.602, HHSAR 303.602				
A.83	If commercial item time and materials or labor-hours contract is being contemplated, has D&F been executed?	FAR 12.207(b)				
A.84	If commercial services that are not offered and sold competitively in substantial quantities in commercial marketplace, but are of a type offered and sold competitively in the commercial marketplace, has CO executed the proper determination in writing?	FAR 15.403- 1(c)(3)(ii)(A)				
A.85	If commercial item acquisition for items >Simplified Acquisition Threshold (SAT) and <\$6.5M (or <\$12M for acquisitions described in FAR 13.500(e)), have simplified procedures been used under Test Program, or has file documented rationale for not using these procedures?	FAR 12.203, 13.5				
A.86	If COTS items being acquired, has the list of inapplicable laws been updated for the COTS items?	FAR Part 2, 12.103, 12.5				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.87	If firm-fixed price, level-of-effort contract >\$150,000 used, has Chief of Contracting Office approved?	FAR 16.207-3(d)				
A.88	If applicable, has Buy American Act determination been made and approved?	FAR 25.103(b)(2),				
A.89	If submission of cost/pricing data >SAT but <\$700K, has approval been obtained?	FAR 15.403-4(a)(2)				
A.90	If liquidated damages planned, are they adequately documented as to their need, and not considered a penalty?	FAR 11.5				
A.91	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.92	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)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.93	Did CO determine insurance levels against loss of or damage to Government property and need for bonds?	FAR 28.306(b)(1)				
A.94	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				
A.95	If an incentive-fee or award-fee type contract is being used, has the required D&F been executed and signed by the HCA, and is compliance with FAR assured?	FAR 16.404(b), 16.301-3, 16.401(e)(3)				
		<b>Synopsis</b>				
A.96	If no FAR exception, has FedBizOpps (FBO) notice been properly published?	FAR 5.101 (>\$25,000), 5.202, 5.203(a) (may be < 15 days-commercial items)				
A.97	If subject to Trade Agreements Act (TAA), has proper note been included in Synopsis?	FAR 25.408				
A.98	If CO believes that advance notice is not appropriate, has memo requesting relief from synopsisizing been approved by HHS?	HHSAR 305.202				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.99	If brand name specifications, did CO include justification or documentation required in FBO?	FAR 6.302-1(c), 6.305(c), 13.501, OFPP memo 4/17/06				
A.100	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.101	If noncompetitive acquisition requiring synopsis, was it properly documented, issued in FedBizOpps or is a draft synopsis in the file?	FAR 5.201, 6.302; 6.305, 6.4, 6.5				
A.102	If commercial item and streamlined procedures (combined synopsis/solicitation), was synopsis prepared properly?	FAR 12.603(c)				
A.103	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)				
A.104	If Safety Act is applicable, has the contracting officer determined whether a block designation or a block certification has been granted by DHS?	FAR 50.205-1(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.105	If RFI, have HHS standard instructions for this purpose been followed and “Special Notice” been used?	FAR 10.002(b)(2)(iii) and 15.201(d); HHSAR 315.201(e)(4), 319.202-2; <a href="#">RFI template</a> (HHS APM 2009-1),				
A.106	If Small Business Sources Sought synopsis is used, has it been properly prepared?	HHSAR 319.202- 2				
		<b>Evaluation Planning</b>				
A.107	Is a technical evaluation plan in the file, including the elements covered in HHSAR 315.305(a)(3) and approved at one level above the project officer?	HHSAR 315.305(a)(3)				
A.108	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)				
A.109	Is price or cost an evaluation factor?	FAR 15.304(c)(1)				
A.110	Do evaluation factors and significant subfactors address quality of product/service?	FAR 15.304(c)(2)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.111	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)				
A.112	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 >Simplified Acquisition Threshold (SAT))				
A.113	Did evaluation factors and significant subfactors include extent of participation of SDB concerns in performance of the contract?	FAR 15.304(c)(4)				
A.114	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)				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.115	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.116	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.117	Does RFP clearly state all factors and subfactors and their relative importance?	FAR 15.304(d), HHSAR 315.204-5(c)				
A.118	If acquiring EIT, is there a separate technical evaluation factor or mandatory qualification criterion to determine offeror compliance with applicable Section 508 accessibility standards?	HHSAR 315.304				
		<b>IDIQs</b>				
A.119	If IDIQ, are multiple awards anticipated, or does the file justify why a single award is contemplated?	FAR 16.504(c)				
A.120	If IDIQ, have procedures for ordering been included?	FAR 16.504				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.121	If IDIQ, have minimum and maximum quantities been included?	FAR 16.504				
A.122	If IDIQ, has period of performance been included?	FAR 16.504				
		<b>Misc. Issues</b>				
A.123	Does the RFP include time of delivery or performance schedule?	FAR 11.4				
A.124	If commercial item acquisition for items >Simplified Acquisition Threshold (SAT) and <\$6.5M, have simplified procedures been used under Test Program, or has file documented rationale for not using these procedures?	FAR 12.203, 13.5				
A.125	If Project Officer restricts place of performance for any part of an SOW/PWS, has proper determination been made, concurred in by the CO and specified in the solicitation and contract?	HHSAR 307.108-70				
A.126	If acquisition is for printing, are the requirements of NIH Manual Chapter 6308 being followed?	NIH Manual Chapter 6308				
A.127	If lease, is there a record of a lease or buy determination?	FAR 7.401				
A.128	If contract involves safety/health issues, are proper clauses included?	HHSAR 323.70				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.129	If contract involves animals, are proper clauses and language included in RFP?	HHSAR 370.4. 352.270-5, <a href="#">HHS AP template</a> NCI RFP Workforms				
A.130	If contract involves human subjects, are proper clauses and language included in RFP?	HHSAR 370.3, 352.270-4, <a href="#">HHS AP template</a> , NCI RFP Workform (DGS)				
A.131	If advisory multi-step process, is there compliance with procedures?	FAR 15.202				
A.132	If applicable, when Earned Value Management System is to be used, has the AP complied with procedures?	FAR 7.105(b)(3), (10), FAR 34.2; HHSAR 311.70, OCIO Policy for IT EVM Procedures				
A.133	If bonds and/or insurance required, is there compliance with regulations/procedures?	FAR 28.3				
A.134	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.135	Has requisition been entered into I-Procurement (or for NIAID – into AMBIS)?	NBS Requirement				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.136	Is there evidence of an internal file review?	NIH Manual Chapter 6304.71				
A.137	Are the policies regarding the funding of contracts exceeding one year of performance, including Interim HHSAR coverage, being followed?	HHS Acquisition Policy Memo 2010-1, Interim HHSAR Coverage at 307.7108, 317.1, 332.7, 352.232- 70, 352.272-71, 352.272-72. NCI Workform				

**SECTION B – SOLICITATION PHASE**

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>RFP</b>				
B.1	Is uniform contract format used (if no exception under FAR 15.204)?	FAR 15.204-1 (unless exempt by FAR 15.204)				
B.2	For commercial item acquisition, is prescribed format used and is the cover page an SF 1449?	FAR 12.303				
B.3	Does RFP include proper NAICS code and size standard?	FAR 19.303(a)				
B.4	Is solicitation period consistent with FAR 5.203?	FAR 5.203				
B.5	If not commercial, does RFP include annual reps and certs provision?	FAR 4.1202 and 52.204-7				
B.6	If electronic commerce was used to issue RFP and receive proposals, did RFP specify permitted electronic methods?	FAR 15.203(c)				
B.7	Are proper provisions included?	FAR 52.301 Matrix, NCI RFP Workform				
B.8	If applicable, does the solicitation include language encouraging contractors, to the maximum extent possible, to donate apparently wholesome excess food to nonprofit organizations that provide assistance to food-insecure people in the US?	FAR 26.403; 52.212-5, 52.213- 4, 52.226-6				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.9	Are proper clauses included?	FAR 52.301 Matrix, NCI Contract Workform				
B.10	If applicable, has the proper language regarding Personal Identity Verification been included in the solicitation?	HHSAR 304.13, NCI Workform				
B.11	If contract or order (including task or delivery order) exceeds simplified acquisition threshold, and is a cost reimbursement type contract/order, have the proper clauses regarding Limitations on Pass-Through Charges been included?	FAR 15.408, 52.215-22, 52.215-23				
B.12	If SCA is applicable, does RFP contain the proper wage determination and clauses?	FAR 22.1007, FAR 22.1009, 22.1016				
B.13	If required, does the RFP contain the proper wage determination or a statement that it will be included later, and is proposed contract limited to 5 years or less?	FAR 22.1002				
B.14	If oral RFP used, is there compliance with FAR?	FAR 15.203(f)				
B.15	If letter contract and a sole source acquisition, is there compliance with FAR?	FAR 15.203(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.16	If purchasing supplies of classes listed in Federal Prison Industries (FPI) Schedule but not determined comparable based on market research, has the RFP been provided to FPI (unless available through FedBizOpps)?	FAR 8.602(a)(4)(ii)				
B.17	If Qualified product, have FAR requirements been followed?	FAR 9.2, 14.210				
B.18	If liquidated damages, is the clause proper?	FAR 11.503				
B.19	If brand name specifications used, did CO include with the RFP required justification or documentation?	FAR 6.302-1(c), 11.105, OFPP Memo 4/17/06				
B.20	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.21	If contractor will have physical access to a federally-controlled facility or access to a federal information system, has FIPS PUB 201, associated OMB guidance, and HHSAR requirements, as well as requirement for inclusion of proper provision/clause been followed?	FAR 4.13 and 52.204-9, HHSAR 304.13, 339				
B.22	If hazardous materials required, has FAR 52.223-3 been included?	FAR 23.303(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.23	If applicable, does SOW/PWS permit offerors or contractors to specify their own place(s) of performance (hence authorize their employees to telecommute) (unless PO restricts place of performance and so justifies and CO concurs)?	FAR 7.108, HHSAR 307.108-70				
B.24	Are date, place and time for receipt of offers clearly stated on face page of RFP?	FAR 15.204-2				
B.25	Does RFP include period of performance	FAR 11.4				
B.26	If required, has solicitation included requirement for bonds/insurance?	FAR 28				
B.27	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 enhanced controls of the GPE, unless exempt?	FAR 5.102(a)(4) (over \$25K)				
B.28	Does the RFP include requirement for contractor code of business ethics and conduct, and a hotline poster display, as applicable?	FAR 3.10				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.29	If payment is contemplated to be made using the Government-wide commercial purchase card, have proper clauses been included?	FAR 32.1108				
		<b>RFP Amendments</b>				
B.30	If oral notice of RFP amendment, is there compliance with FAR?	FAR 15.206(f)				
B.31	If RFP is amended, have amendments been sent to all parties receiving the RFP and was closing date extended if necessary?	FAR 15.206				
B.32	If modification of wage determination – has it been handled properly in RFP?	FAR 22.404-6, 22.407(a)(8)				
		<b>Evaluation</b>				
B.33	If human subjects, women and minorities, children, Data Safety Monitoring Boards (DSMBs), HIV antiretroviral treatment trials in developing countries, generation of research data, biomedical research of model organisms are involved, are proper clauses included and do evaluation criteria reflect how this will be rated?	NIH Manual 6315-1, NCI RFP Workform				
B.34	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)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.35	If applicable, has a price evaluation adjustment for HUBZone concerns been included?	FAR 19.1307				
B.36	If applicable, has a price evaluation adjustment for SDB concerns been included?	FAR 19.1102, 19.1103				
B.37	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.38	If multi-year contracting method, did RFP include all factors to be considered for evaluation?	FAR 17.106-2				
B.39	Does RFP provide basis for award?	FAR 15.304				
		<b>Options</b>				
B.40	If options included, does the RFP provide the basis for evaluation?	FAR 17.203(b)				
B.41	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.42	If options included, is provision at FAR 52.217-5 included?	FAR 17.202(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.43	If options are used as a part of multi-year contract, has performance of non-severable services been limited to 5 years?	HHSAR 317.107				
B.44	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				
		<b>IDIQ</b>				
B.45	If IDIQ contract contemplated, are multiple awards being made or is there a justification for a single award?	FAR 16.5				
B.46	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)				
		<b>Commercial Item</b>				
B.47	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)				
B.48	If a commercial item, is RFP in the proper format with proper clauses?	FAR 12.303				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.49	If commercial item, does RFP request existing literature instead of unique technical proposals?	FAR 12.205(a)				
B.50	If commercial item, and combined synopsis/solicitation was used, does it contain appropriate information?	FAR 12.603				
B.51	If commercial IT acquired, is exemption from Buy American Act assured?	FAR 25.103(a)				
B.52	If commercial item acquisition, will award be a firm-fixed-price or fixed-price with economic price adjustment, or if properly executed D&F in file, and contract provides for a ceiling price, on a time-and-materials or labor-hour basis?	FAR 12.207				
B.53	If commercial item, and tailoring of RFP provisions has taken place, is it compliant?	FAR 12.302				
B.54	If commercial item, has a commercial quality assurance system been accepted?	FAR 12.208				
B.55	If commercial item, as applicable, are technical data requirements compliant?	FAR 12.211				
B.56	If commercial item, as applicable, are computer software requirements compliant?	FAR 12.212				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Cost/Price</b>				
B.57	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 certified cost or pricing data?	FAR 15.402, 15.403-1				
B.58	If RFP will waive requirement for certified cost or pricing data, has HCA approved waiver?	FAR 15.403- 1(c)(4)				
B.59	Does RFP include instructions for submission of certified cost or pricing data or data other than certified cost or pricing data (information)?	FAR 15.403(5)(a)(1)- (4)				
B.60	If submission of certified cost or pricing data or data other than certified 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.61	If RFP will require submission of certified cost or pricing data >\$150K but <\$700K, has HCA authorized CO to obtain the data?	FAR 15.403- 4(a)(2)				
B.62	If cost-reimbursement contract is used, is RFP appropriately structured as Level of Effort or Completion type and is proper language used?	FAR 35.005(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>EVMS</b>				
B.63	If EVMS is required (for major acquisitions for development IAW OMB Circular A-11, Part 7 and Supplement to Part 7, Capital Programming Guide) did RFP include proper clauses (i.e., HHSAR rather than FAR clauses) and procedures?	FAR 34.203(a)-(d); HHSAR 334.2				
		<b>Property</b>				
B.64	If Government property was offered, did RFP include listing of property with minimum information specified?	FAR 45.201(a)				
B.65	If Government property was offered in competitive acquisition, did RFP specify that contractor is responsible for all costs related to making property available for use?	FAR 45.201(b)				
B.66	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.67	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)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Multi-Year Contracting</b>				
B.68	If multi-year contracting used, did RFP include all required factors to be considered in evaluation?	FAR 17.106-2				
B.69	If multi-year contracting used, did RFP include required clauses and ceilings?	FAR 17.109, HHSAR 317-1				
		<b>MISC. ISSUES</b>				
B.70	If PBA methods used, is Performance Work Statement (PWS) or Statement of Objectives (SOO) in RFP, and a Quality Assurance Surveillance Plan (either in RFP or to be dev. by offeror)?	FAR37.604, 46.401(a)				

**SECTION C – RECEIPT, EVALUATION AND AWARD**

<b>No.</b>	<b>Action Item</b>	<b>FAR/HHSAR/ NIH Policy Part</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
		<b>Receipt</b>				
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 proposal from FPI received, was it timely and if so, was it properly considered?	FAR 8.602(b)(4)(ii)				
C.4	If electronic proposals were permitted, were any unreadable electronic bids handled properly?	FAR 15.203(c)				
		<b>Evaluation</b>				
C.5	If R&D was composition of technical evaluators proper?	HHSAR 315.305 (a)(3)(ii) (F), NIH Manual 6315-1				
C.6	If unsolicited proposal, were procedures appropriately followed?	FAR 15.6, HHSAR 315.6				
C.7	If R&D was ALERT System notice provided?	NIH Manual 6309-1				
C.8	Do at least 50% of HHS evaluators have appropriate training?	HHSAR 315.305(a)(3)(ii)( A)(3)				
C.9	If past performance is an evaluation factor, has it been properly evaluated?	FAR 15.305				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.10	Has <a href="http://www.ppirs.gov/">http://www.ppirs.gov/</a> (to access FAPIIS) been used to check past performance and have proper procedures been followed when using FAPIIS for a responsibility determination?	FAR 9.104-6				
C.11	If nonresponsibility determination made have proper procedures been followed and has information been documented in FAPIIS?	FAR 9.105-2(b)(2), 9.104-6,				
C.12	Was technical evaluation conducted in accordance with stated evaluation factors?	FAR 15.305(a)(1), 15.404-1(a)-(c)				
C.13	Were any restrictions on disclosure of descriptive literature handled properly?	HHSAR 315.305(a)(3)(ii) (F)				
C.14	Were restrictions on use of support contractor personnel for proposal evaluation (other than R&D) complied with?	FAR 15.305(c), 37.203(d)				
C.15	Was cost information furnished to members of technical panel?	FAR 15.305(a)(4), 15.404-1(e)				
C.16	If option quantities or periods were solicited, was proper evaluation conducted?	FAR 17.206				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.17	If commercial item, are commercial quality assurance system, technical data requirements, and/or computer software requirements acceptable and compliant?	FAR 12.208, 12.211, 12.212				
C.18	If CO determined, as applicable, that services are of a type offered and sold competitively in the commercial marketplace, has the CO also determined in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services?	FAR 15.403-1(c)(3)(ii)				
C.19	Did proposal 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 45.202(a)				
C.20	If Government property is to be used by contractor, did CO ensure that offeror's property management plans, methods, practices, or procedures for accounting for the property were consistent with RFP requirements?	FAR 45.202(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.21	If EIT products/services are being acquired, before conducting negotiations or making award, has CO provided a summary of the TEP's assessment of offeror responses to the RFP's evaluation factor for review by the Section 508 Official or designee and has that Official indicated approval/disapproval of the TEP's assessment? Has CO coordinated resolution of issues, as applicable? Is the approved assessment in the official contract file, or an exception determination obtained?	HHSAR 315.304(b); 339.203				
C.22	If economic price adjustment proposed by either offeror or Government, was evaluation handled properly?	FAR 15.4				
C.23	Are evaluators' certifications in file?	HHSAR 315.305(a)(3)(ii)( E)(2) and (3)				
C.24	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.25	Was small business subcontracting evaluation accomplished properly?	FAR 15.305(a)(5)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.26	Has the Project Officer completed the Project Officer Technical Evaluation Questionnaire and have his/her comments been taken into account during negotiations?	HHSAR 315.305, NIH Manual 6015-1 and 6315-1				
C.27	Is cost or price evaluation compliant?	FAR 15.305(a)(3), 15.404-1(a)-(c), HHSAR 315.305				
		<b>Communications</b>				
C.28	If award to be made without discussions, were exchanges limited to clarifications?	FAR 15.306(a)				
C.29	Have communications held with offerors before establishment of competitive range been compliant?	FAR 15.306				
		<b>Competitive Range</b>				
C.30	Has competitive range determination been sufficiently documented?	FAR 15.306(c)				
C.31	Has notice been given to offerors excluded from competitive range or otherwise eliminated from competition?	FAR 15.503(a)(1)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Discussions</b>				
C.32	Have exchanges with offerors after establishment of competitive range followed stipulated procedures?	FAR 15.306(d) and (e), HHSAR 315.306(d)				
C.33	Have proposal revisions/final proposal revision been handled properly?	FAR 15.307, HHSAR 315.307				
C.34	Have any finalization of details with the selected source taken place, and if so, are they in accordance with established guidelines?	HHSAR 315.370				
		<b>Cost Analysis</b>				
C.35	Has cost analysis, price analysis, cost realism been performed as required?	FAR 15.404, HHSAR 315.404-2				
C.36	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.37	If cost analysis was performed, is there adequate evaluation of negotiated direct labor costs?	FAR 31.202; OMB Circular A-21				
C.38	If cost analysis was performed, is there adequate evaluation of negotiated fringe benefit costs?	FAR 31.202; OMB Circular A-21				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.39	If cost analysis was performed, is there adequate evaluation of negotiated material & supply costs?	FAR 31.202; OMB Circular A-21				
C.40	If cost analysis was performed, is there adequate evaluation of negotiated other direct costs?	FAR 31.202; OMB Circular A-21				
C.41	If cost analysis was performed, is there adequate evaluation of negotiated indirect costs?	FAR 31.202; OMB Circular A-21				
C.42	If indirect costs proposed meet the definition of “excessive pass-through charge”, are they considered unallowable?	FAR 31.203				
C.43	If applicable, was the Salary Rate Limitation correctly applied and is the Salary Rate Limitation clause included in the contract?	HHSAR 331.101-70				
C.44	Has subcontract pricing been appropriately considered?	FAR 15.404-3				
C.45	If applicable, has profit been adequately analyzed?	FAR 15.404-4, HHSAR 315.404-4				
C.46	If certified cost or pricing data was required, did contractor execute a proper Certificate of Current Cost or Pricing Data?	FAR 15.406-2				
C.47	If certified cost or pricing data waived, is waiver in accordance with stipulated guidelines?	FAR 15.403-1(c)(4)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.48	If CO learned that any certified cost or pricing data was inaccurate, incomplete, or noncurrent, is there compliance with procedures in FAR?	FAR 15.407-1				
		<b>Negotiations</b>				
C.49	Have prenegotiation objectives, including profit or fee analysis, been established?	FAR 15.406-1, HHSAR 315.404-4				
C.50	Were written final proposal revisions requested with common cut-off date?	FAR 15.307				
		<b>Award</b>				
C.51	If applicable, have procedures for Trade Agreements Act (TAA) acquisitions been followed and have the proper notifications to unsuccessful WTO offerors been prepared?	FAR 25.408; FAR 25.5				
C.52	If award fee contract, is it compliant with limitations in FAR?	FAR 16.401(e)(5), 16.301-3, 16.401				
C.53	If award fee contract, has award fee plan been established outlining the procedures for evaluating award fee and Award Fee Board established for conducting this evaluation?	FAR 16.401				
C.54	Are all required clauses included in contract?	FAR Matrix NCI Workform (DGS)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.55	Does the contract, as applicable, include language regarding GAO's right to interview current contractor employees when conducting audits?	FAR 52.214-26, 52.215-2 (Use Alt. 1 if Recovery Act funds used)				
C.56	Has CO resolved any conflict, or potential conflict of interest before contract award?	FAR 9.506(d), 9.503				
C.57	If conflict of interest existed that could not be avoided or mitigated, did CO notify contractor, provided the reasons, and allow the contractor a reasonable period to respond?	FAR 9.504(e)				
C.58	If CO found that it was in the best interests of the Government to award a contract notwithstanding a COI, was a written waiver obtained?	FAR 9.503, 9.504(e)				
C.59	As applicable, has CO ensured that covered contractor employees performing acquisition functions closely associated with inherently governmental functions have proper procedures in place?	FAR 3.1103, 3.1106, 52.203-16				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.60	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.61	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.62	If applicable, has Buy American Act determination been made and approved?	FAR 25.103(b)(2)				
C.63	If COTS being acquired, has component test of Buy American Act been waived, as required?	FAR 25.100, 25.101; 12.505				
C.64	If applicable, were offerors provided current wage determination prior to submission of final proposal revision?	FAR 22.10				
C.65	If applicable, did CO properly report violation or possible violation of Procurement Integrity Act?	FAR 3.104-7; HHSAR 303.104-7				
C.66	If applicable, were suspected/reported violations of the Covenant Against Contingent Fees reported properly?	FAR 3.405; HHSAR 303.405				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.67	If applicable, has the proper language regarding Personal Identity Verification been included in the contract?	HHSAR 304.13				
C.68	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.69	Is an adequate, signed negotiation memorandum (“Summary of Negotiations”) in the file?	FAR 15.406-3, HHSAR 315.372				
C.70	Is Summary of Negotiations internally consistent w/ cost/price amounts for each contract period and with the contract document?	FAR 15.406-3(a)(7), (8); HHSAR 315.372(g)				
C.71	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.72	Was affirmative determination of responsibility (including financial responsibility) made?	FAR 9.103(b), 9.104-1; HHSAR 315.372				
C.73	Is there adequate documentation in file to support financial responsibility determination ( i.e., current balance sheet analysis with financial ratios computed, a current D&B report, line of verifications, etc.)?	FAR 9.104-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.74	If the Government-wide commercial purchase card will be used as the method of payment, has the contracting officer verified in the CCR whether the proposed contractor has any delinquent debt subject to collection under the Treasury Offset Program (TOP) <a href="http://fms.treas.gov/debt/index.html">http://fms.treas.gov/debt/index.html</a> ?	FAR 32.1108(b)(2)				
C.75	If non-responsible offer from small business, was nonresponsibility determination referred to SBA?	FAR 9.103				
C.76	If protest before award, was it handled properly?	FAR 19.305, 19.306, 19.307, 19.308, 33.1, NIH Manual 6033-1 and 6033-2				
C.77	If agency protest, were OGC and NIH PCO consulted and did they concur with response prepared by contracting officer?	HHSAR 333.103,				
C.78	Was Excluded Parties List System (EPLS) checked?	FAR 9.405(d)(1) & (4)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.79	If award being made to country identified on List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor ( <a href="http://www.dol.gov/ilab/">www.dol.gov/ilab/</a> ) has proper certification been obtained?	FAR 22.1503				
C.80	If task/delivery order contract over \$103 million is to be awarded to a single source, has HCA approved the determination?	FAR 16.504(c)(6)(D) (1)				
C.81	Was proper notification provided to unsuccessful offerors? If SBSA was there a proper preaward notice to offerors unless CO made determination of urgency?	FAR 15.503(a)(2)(i) (A)-(D) (Required if conditions exist)				
C.82	Was there an approved subcontracting plan, if applicable?	FAR 19.702(a)(2) (req. for LB award over \$650K)				
C.83	If subcontracting plan is applicable, has it been included as a part of the contract?	FAR 19.705-5(a)(5)				
C.84	Was EEO Clearance received?	FAR 22.805 (required >\$10M exc. Construction)				
C.85	If applicable, are performance-based finance payments established in contract only to extent actually needed for performance?	FAR 32.1004(b), 32.104				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.86	If performance/payment bond required, are they in the file and documented?	FAR 28.103-1				
C.87	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				
C.88	Is contract signed by a warranted CO within his/her authority?	FAR 1.601, 4.101				
C.89	Was preaward notice furnished to offerors if small business set-aside, or SDB concern received benefit based on disadvantaged status, or if using HUBZone procedures, or if using service-disabled veteran owned procedures, or if using WOSB procedures?	FAR 15.503(a)(2)(i) (A), (B), (C) (D) (E)				
C.90	If contract involves human subjects, have proper assurances been obtained and applicable clause been included?	HHSAR 370.3; NCI Workform				
C.91	If R&D contract for Phase II, III or IV clinical trial, is clause titled "Registration of Clinical Trials in the Government Database" included as appropriate?	NCI Workform				
C.92	Is there evidence of an internal file review of contract and documentation?	NIH Manual 6304.71				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.93	Is draft FedBizOpps Award Notice in file?	FAR 5.301 (required >\$25K)				
C.94	Is draft public award announcement in file (“Congressional Liaison Office”)?	FAR 5.303(a), HHSAR 305.303(a) (required by HHSAR > \$3.5M)				
C.95	If multi-year contract includes a cancellation ceiling in excess of \$12.5 million, has Head of Agency provided appropriate written notification of proposed contract and proposed cancellation ceiling and made the award no earlier than 31 days after notification?	FAR 17.108, HHSAR 317.108				
C.96	Has CO assured that contractor is in CCR?	FAR 4.1103, 19.1503				
C.97	Has CO entered contract into Prism/Compusearch (NBS) and completed DCIS documentation within the required timeframes?	FAR 4.604(b); HHSAR 304.602				
C.98	Has source selection information been appropriately marked?	FAR 3.104-4				
C.99	If requested, was compliant preaward debriefing conducted, and documented?	FAR 15.505				

<b>No.</b>	<b>Action Item</b>	<b>FAR/HHSAR/ NIH Policy Part</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
C.100	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.101	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.102	If letter contract, is it appropriate and compliant with requirements?	FAR 16.603, HHSAR 316.603				
C.103	Has clearance for foreign contract been received, if applicable?	FAR 25.802, NIH Manual 6325-1				
C.104	Has animal clearance/assurance been obtained?	HHSAR 370.401; NIH Manual 6380-2; NCI Workform				
C.105	If advance payments appropriate is executed D&F in file?	FAR 32.402(c)				
C.106	If applicable, has the requirement to use E-Verify been included?	FAR 22.1803, 52.222.54				
C.107	If the contract is for non-severable services, has the prohibition against the use of incremental funding been followed?	HHS Acq.Policy Memo 2010-01, "Guidance Regarding Funding of Contracts Exceeding 1 Year of Performance"; HHSAR 332.702-70				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.108	If applicable, is the guidance at HHS Acquisition Policy Memo 2010-01 being correctly applied?	HHS Acq. Policy Memo 2010-01, "Guidance Regarding Funding of Contracts Exceeding 1 Year of Performance"; HHSAR 332.7				
C.109	Does contract contain precise requirements for progress reports, if applicable?	NCI Workform				
C.110	Is source selection proper and sufficiently documented?	FAR 15.308				
C.111	Does contract reflect agreement of the parties?	HHSAR 315.371(a)(2)				
C.112	If appropriate, are CAS clauses included in contract?	FAR 30.201-4, App. 9903-2				
C.113	If required, is consultant certification in file?	FAR 9.504-4, NIH Manual 6009-1				
C.114	Has written postaward notice been provided within 3 days after contract award to each offer in competitive range but not selected for award and has debriefing been held if requested by unsuccessful offerors?	FAR 15.503(b), 15.505, 15.506				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.115	Has the contracting officer assured that no funds are obligated or expended if the contractor has not submitted a required annual VETS-100 with respect to the preceding fiscal year if applicable ( <a href="http://www.vets100.com/login.aspx">http://www.vets100.com/login.aspx</a> )?	FAR 22.1302				
C.116	Has the contracting officer assured that no prohibited sources are receiving an award?	FAR 25.7				
C.117	Has CO ensured that, for award of a HUBZone Contract, the awardee is a HUBZone small business concern at both time of initial offer and time of award?	FAR 19.1303(d)				

**SECTION D – Contract Administration**

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		<b>Administrative Actions</b>				
D.1	Is COTR designated in writing prior to award, along with responsibilities, and does COTR/PO have training in accordance with FAR and HHSAR requirements or has a waiver obtained?	FAR 1.602-2; HHSAR 301.604-70, 301.604-74, 301.605, 301.606				
D.2	Does COTR/PO have training in accordance with HHSAR requirements or has a waiver obtained?	HHSAR 301.604-70, 301.604-74, 301.605, 301.606				
D.3	Has compliant postaward debriefing been held if requested and is there a record in the file?	FAR 15.506				
D.4	If award was noncompetitive under FAR 6.302-1, 6.302-2, or 6.302-5(b)(4), has the required justification (JOFOC) been made available at the agency website and <a href="http://www.fedbizopps.gov">www.fedbizopps.gov</a> within the required time after award, and properly edited?	FAR 6.301, 6.302-2. 6.302-5(b)(4)				
D.5	If FAR 52.219-28 was included in contract, did contractor represent its size status upon occurrence of events stipulated and was the representation timely?	FAR 19.301-2(b), 19.308(d), 52.219-28(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.6	If FAR 52.219-28 included in contract and contractor represented a changed size status to other than small, was contract properly modified and reported in DCIS/FPDS?	FAR 19.301-2(d)				
D.7	If Department of Labor has determined that an exemption from SCA is inapplicable with respect to a subcontract, has CO ensured that the subcontractor complies with SCA, effective with date of subcontract award?	FAR 22.1003-4(c)(4)				
D.8	Has contractor updated information in the FAPIIS on a semi-annual basis throughout life of contract?	FAR 52.209-8 (Req. > \$500K)				
D.9	If letter contract or undefinitized action, was contract definitized in a timely manner?	FAR 16.603				
D.10	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.11	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); HHSAR 303.104-7, 303.2, 303.3; 303.4				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.12	If prime contractor with contract for noncommercial items in excess of \$5 million conducts a procurement under the contract that exceeds the simplified acquisition threshold (when acting as a purchasing agent for the Government, has the contractor performed market research?	FAR 44.402(b)				
D.13	If task/delivery order under IDIQ in excess of simplified acquisition threshold, has market research been conducted prior to placing order?	FAR 10.001(a)(v)				
D.14	If task/delivery order does not provide fair opportunity, has proper statutory exception been cited and determination made?	FAR 16.505(2)				
D.15	If task/delivery order over \$3,000 but not over SAT, and if exception to fair opportunity is logical follow-on (FAR 16.505(b)(2)(i)(C), has CO documented file properly?	FAR 16.505(b)(2)(i)(C)				
D.16	If task/delivery order over SAT and exception to fair opportunity is used, is justification properly completed and approved at the proper level, and is file properly documented?	FAR 16.505(b)(2)(ii)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.17	If task/delivery order over SAT and exception to fair opportunity is used, has posting requirement been properly followed?	FAR 16.505(b)(2)(ii)(D)				
D.18	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.19	If task/delivery order under IDIQ in excess of \$5M, has CO properly notified unsuccessful offerors?	FAR 16.505(b)(4)				
D.20	If task or delivery order over simplified acquisition threshold is against a contract awarded by another Federal agency (i.e., GWAC or MAC), has past performance evaluation been performed?	FAR 45.1502				
D.21	As applicable, has CO bilaterally modified task order/delivery order contract to include FAR 52.203-16 regarding conflicts of interest?	FAR 3.1103, 3.1104, 3.1105, 3.1106; 52.203-16				
D.22	Has the CO reported to FAPIIS (through <a href="http://www.cpars.csd.disa.mil">www.cpars.csd.disa.mil</a> ) on the integrity and performance of covered Federal agency contractors, and, as applicable, entered a non-responsibility determination?	FAR 9.104-7; 42.1502				
		<b>Post Award Protests</b>				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.23	If protest after award, has CO determination for agency protest been handled timely?	FAR 33.103				
D.24	If protest after award, has CO obtained concurrence from Protest Control Officer (and OGC, if agency protest)?	HHSAR 333.103(f)(1) and (2)(iii)				
D.25	If protest after award, has CO followed appropriate protest procedures in response to protest filed with GAO?	FAR 33.103, 33.104, HHSAR 333.104 NIH Manual 6033-1 & 6033-2				
D.26	If protest after award of task/delivery order under IDIQ, is it only on the basis that order increases scope, period, or maximum value of contract?	FAR 16.505(a)(9)(i)				
D.27	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				
		<b>Modifications &amp; Change Orders</b>				
D.28	Are contract modifications properly documented, citing correct authority and funding, within scope, and issued properly by a warranted CO as unilateral or bilateral?	FAR 43				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.29	If modification is for new work, is approved JOFOC in file?	FAR 6.303, HHSAR 306-303				
D.30	If IDIQ contract and remaining period of performance extends beyond 3/8/2010, and amount of work or number of orders expected under remaining performance period is substantial, has <u>bilateral</u> modification to include FAR 52.222-54 been executed?	FAR 22.1803, 52.222-54, CAAC Letter 2009-03, dated 9/3/09				
D.31	If contract modification requires surety and the contract price was changed upward or downward by more than 25% or \$50K, has consent of surety been obtained prior to issuing modification?	FAR 28.106-5				
D.32	If contract modification for a commercial item, has CO complied with prohibition on obtaining certified cost or pricing information?	FAR 15.403-1				
D.33	If contract modification or exercise of an option meeting the criteria of a subcontracting plan, have the goals associated with the modification/option been added to those in the existing subcontracting plan?	FAR 19.702				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.34	Did CO ensure availability of funds prior to issuing modification/change order?	FAR 43.105				
D.35	If change order issued, is it within scope, within parameters of Changes clause, signed by a warranted CO (within his/her authority)?	FAR 43.2				
D.36	If change order issued, was equitable adjustment definitized?	FAR 43.2				
D.37	If change orders have been executed, were they definitized in a timely manner?	FAR 43.204				
D.38	Does supplemental agreement definitizing a change order include a Contractor's Statement of Release?	FAR 43.204(c)				
D.39	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.40	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				



No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.41	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.42	As applicable, has CO modified existing contracts on a bilateral basis in compliance with FAR 52.204-10.	FAR 52.204-10 (> \$25K)				
D.43	If existing contract contains clause at FAR 52.209-8, and conditions at FAR 9.104-7 apply, has CO bilaterally modified existing contract to replace FAR 52.209-8 with FAR 52.209-9?	FAR 9.104-7, 52.209-9, Alt. 1				
		<b>Claims</b>				
D.44	Are claims/disputes handled properly?	FAR 33.2, HHSAR 333.2				
D.45	Has CO made a timely response to contractor dispute under CDA?	FAR 33.211(c)- (f)				
D.46	Has contractor submitted certified claim under CDA?	FAR 33.207				
D.47	Has CO consulted OGC in resolving dispute under CDA?	HHSAR 333.211				
D.48	Has CO successfully resolved claim under CDA?	FAR 33.210				
D.49	Has CO rendered final decision IAW FAR & agency provisions?	FAR 33.211, HHSAR 333.211				
D.50	If applicable, is alternate dispute resolution process used?	FAR 33.214				

No.	Action Item	FAR/HHSAR/ NIH Policy Part Management	Yes	No	N/A	Comments
D.51	If mistake after award, have appropriate procedures been followed?	FAR 15.508				
D.52	If options included in contract, have they been executed properly and documented?	FAR 17.207				
D.53	If contract involves acquisition of EIT subject to Section 508, has the CO ensured that the contractor has provided a properly completed HHS Section 508 Annual Report and has the Report been approved by the CO and PO?	HHSAR 317.207				
D.54	Have contractor's invoices been reviewed/approved/disapproved in a timely manner?	FAR 32				
D.55	If action taken to reduce or suspend progress payments, or to increase the liquidation rate, has the CO ensured that proper actions have been taken and the file documented?	FAR 32.503-6, 52.232-16				
D.56	If cost-reimbursement contract, and clause at FAR 52.215-23 has been included, have indirect costs that meet the definition of "excessive pass-through charge" been disallowed?	FAR 31.203				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.57	If termination for convenience/default deemed necessary, was process handled properly?	FAR 49				
D.58	If contract does not contain a termination for default clause and contractor has failed to perform, have proper procedures been followed?	HHSAR 342.7002(c)				
D.59	If novation/change of name agreement requested, was process handled properly?	FAR 42.12				
D.60	Is there compliance with acceptance/inspection/quality assurance requirements?	FAR 46.102				
D.61	If commercial, is there compliance with commercial quality assurance/inspection requirements?	FAR 12.208				
D.62	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 88 342.7101, 342.7102				
D.63	Have debarment/suspension procedures been properly followed?	FAR 9.4, HHSAR 309.4				
D.64	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.65	Are subcontracting reports, including report required at the expiration of the contract, 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 Lge.Bus.>\$650K)				
D.66	If applicable, has award fee evaluation been conducted properly?	FAR 16.404(a)(2), 16.405(2)(b)(3)				
D.67	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.68	Has Value Engineering Change Proposal (VECP) been received and processed appropriately?	FAR 48.103				
D.69	If progress payments based on costs are used, and payments are reduced or suspended, has the contracting officer taken proper action and documented the contract file?	FAR 32.503-6 (see FAR 32.500 for applicability)				
D.70	If progress payments based on costs are used, are progress payments commensurate w/fair value of work accomplished or, if not, are progress payments adjusted as required?	FAR 32.503-6(f) and (g) (see FAR 32.500 for applicability)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.71	If progress payments are used, has limitation on making such payments been correctly determined?	FAR 32.501-3 (See FAR 32.500 for applicability)				
D.72	If performance-based payments, has finance request for performance criterion successfully accomplished been reviewed and approved?	FAR 32.1007				
D.73	If applicable, has CO identified & demanded payment of a contract debt?	FAR 32.603, 32.604				
D.74	As required, has the contracting officer ensured that contractors have implemented the mandatory contractor business ethics program requirements?	FAR 42.302				
D.75	As applicable, has CO ensured that info. related to termination for cause notices & any amendments are reported in FAPIIS, and if a termination for cause was subsequently converted to a termination for convenience, or otherwise withdrawn, has the CO ensured that conversion or withdrawal is reported?	FAR 8.406.4(e), 12.403(c)(4), 42.1503, 49.208				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.76	If postaward audit review conducted, if review indicates defective certified cost/pricing data, has CO made proper determination, taken any corrective action, notified contractor, and reported the CO's final determination in FAPIIS, as applicable?	FAR 15.407-1(d) 42.1503, 49.208				
D.77	Have PIV products been accounted for when FAR 4.1301 conditions apply?	FAR 4.1301				
D.78	If applicable, are ARRA reports submitted by the contractor and reviewed by Gov't. reviewer as required?	FAR 4.15, 52.204-11, OALM, OAMP, DAPE periodic guidance on Reporting Requirements and Checklist for Contractor Reports				
D.79	If applicable for a contract funded with ARRA funds, and if CO received a complaint of reprisal as described in FAR 3.907-2, have proper procedures been followed?	FAR 3.907-2, 3.907-3, 3.907-4				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.80	If applicable, has a prime contractor of a contract or task/delivery order in an amount in excess of \$5 million for the procurement of items other than commercial items engaged in market research before making purchases?	FAR 10.003, 16.506				
D.81	If applicable, has CO monitored the adequacy of the contractor's accounting system during the period of contract performance?	FAR 42.302(a)(12)				

**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	If applicable, as adequate final indirect cost proposal been submitted and verified?	FAR 42.705				
E.5	If applicable, have quick closeout procedures been used?	FAR 42.708				
E.6	Has disposition of GFP/GFE been addressed?	FAR 45.603				
E.7	Has final past performance evaluation been submitted to PPIRS?	FAR 42.1502 (over Simplified Acquisition Threshold)				
E.8	If applicable, has a contract audit in accordance with agency procedures been performed?	HHSAR 304.804-70				
E.9	Have storage, handling & disposal of contract files been accomplished in accordance with agency procedures?	FAR 4.805				
E.10	Has closeout been timely accomplished?	FAR 4.804-1				
E.11	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				