

August 25, 2005

ACQUISITION ALERT 05-06

This Acquisition Alert notice is being transmitted to all NOAA Heads of Contracting Offices (HCOs). If you have any questions or comments about the Alert, please contact Don Kraus by email (Don.Kraus@noaa.gov) or by telephone on (301) 713-0833 x140. Please share this message with your acquisition staff.

POST-AWARD CONTRACT ACTIVITIES

The Office of the Inspector General (OIG) recently completed a follow-up audit of NOAA contract files and procedures to ensure full implementation of a Corrective Action Plan developed, in part, by me last fiscal year. While the OIG noted some substantial improvements, particularly in terms of consistency in file assembly and documentation, one significant weakness was noted. This Alert addresses that primary issue.

There are a number of actions that need to occur upon award of a contract depending on dollar value and type of contract. One action that needs to occur on all contract awards is the appointment of a Contracting Officer Representative. We have a standard appointment memorandum that is to be used that specifically details a number of their responsibilities in that role. That memorandum is to be signed by the designated COR and the COR's supervisor of record. The most recent version of the COR appointment memorandum was forwarded to Heads of Contracting Offices via e-mail from Don Kraus on July 27, 2005, and the appointment memorandum can be found on the AGO webpage. Prior to issuance of that appointment memorandum, it is incumbent upon the Contracting Officer to ensure that (1) the COR meets the DOC training requirements for the appointment level designated and (2) the COR's performance plan includes as a separate critical element or as part of an existing critical element a performance element related to the level of performance of their COR duties.

Other actions include, as appropriate, publication of an award synopsis, Congressional and/or NOAA senior management notification of the award, etc. The recent OIG review identified a significant weakness in our review process that permits the approval of an award without assurance that these post-award actions have been prepared and are ready for release upon signature by the Contracting Officer.

To remedy this problem, effective immediately, all award files submitted for review and approval shall include any post-award appointments or notifications. Those documents shall be reviewed by the Contracting Officer for clarity and accuracy.

In the case of the COR appointment memorandum, the contract file shall be documented in the memorandum to the file recommending award with specifics addressing the eligibility of the proposed individual(s) to be appointed as COR or Alternate/Assistant COR and validation of the inclusion of COR responsibilities as a critical element in the candidates performance plan.

In the case of simplified acquisitions and/or task/delivery orders against Federal Supply Schedule contracts or contracts awarded by other agencies, the order file shall be documented to reflect a specific determination on the need to appoint a COR or a Point of Contact (POC). If it is determined that a COR is to be appointed for that purchase order or task/delivery order, the above identified requirements for contract file documentation shall be included in the order file. If it is determined that a POC is to be appointed, the file shall document the proposed candidates fulfillment of the requirements of Commerce Acquisition Manual 1301.670 is complete prior to the appointment or a waiver is approved

Failure to include these post-award issuances shall be considered a substantive issue precluding award.