

*NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION*

*ACQUISITION
HANDBOOK*

Version 3.1

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FOREWORD

As defined in the Services Acquisition Reform Act, acquisition is “the process of acquiring, with appropriated funds, by contract for purchase or lease, property or services (including construction) that support the missions and goals of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and includes:

The process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;
The description of requirements to satisfy agency needs;
Solicitation and selection of sources;
Award of contracts;
Contract performance;
Contract financing;
Management and measurement of contract performance through final delivery and payment; and
Technical and management functions directly related to the process of fulfilling agency requirements by contract.”¹

I would add that acquisition also includes planning for and identifying the best method to acquire goods and services including the cost to acquire those goods and services and the lead time it takes to conduct the acquisition.

Thus, acquisition begins long before an acquisition request is generated by an individual/office requiring the purchase of a good or service. It begins with the strategic planning process and carries through final assessment of whether what was acquired achieved or helped to achieve the mission which the acquisition supported. It has been said, “...the most important aspects of acquisition are (1) the mission-based planning that is required before soliciting the marketplace for solutions, and (2) the contract performance management that takes place after contract award.”²

This Handbook is not intended to duplicate or limit the application of the Federal Acquisition Regulations, the Commerce Acquisition Regulations or the Commerce Acquisition Manual. Rather, it is intended to supplement those documents and to provide NOAA-specific process guidance. The primary desired outcomes from the establishment of this Handbook are (1) to clearly identify acquisition process in NOAA and (2) to ensure consistency of acquisition process across NOAA.

¹National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136)

²“What is a Chief Acquisition Officer and What Does It Mean To Me,” *Acquisition Directions Advisory, January 2004, pp.5-6*

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LIST OF ACRONYMS

AA	Assistant Administrator
AAP	Advance Acquisition Plan
AAPC	Agency Acquisition Planning Coordinator
AcA	Acquisition Alert
ACOR	Alternate or Assistant Contracting Officer's Representative
AD	Acquisition Division
ADR	Alternative Disputes Resolution
A/E	Architect/Engineer
AGO	Acquisition and Grants Office
AMR	Acquisition Management Review
APD	Acquisition Planning Document
AR	Acquisition Request
ARB	Acquisition Review Board
ASA/CFO	Assistant Secretary for Administration/Chief Financial Officer
AT	Acquisition Team
BPA	Blanket Purchase Agreement
CAAC	Civilian Agency Acquisition Council
CAM	Commerce Acquisition Manual
CAP	Component Acquisition Plan
CAR	Commerce Acquisition Regulations
CBA	Collective Bargaining Agreement
CBPI	Contractor Bid or Proposal Information
CC	Convenience Check
CIO	Chief Information Officer
CITRB	Commerce Information Technology Review Board
CLD	Contract Law Division
COR	Contracting Officer's Representative
COTR	Contracting Officer's Technical Representative
CO	Contracting Officer
COC	Certificate of Competency
COWP	Contracting Officer Warrant Program
CR	Continuing Resolution
CRAD	Central Region Acquisition Division
CRB	Contract Review Board
CS	Contract Specialist
DAA	Deputy Assistant Administrator
DAO	Department Administrative Order
D&F	Determination and Findings
DO	Delivery Order
DO/TO	Delivery Order/Task Order
DOC	Department of Commerce
DOD	Department of Defense

DOL	Department of Labor
DPA	Delegation of Procurement Authority
DUS	Deputy Under Secretary
ERAD	Eastern Region Acquisition Division
EEO	Equal Employment Opportunity
EO	Executive Officer
FAR	Federal Acquisition Regulations
FN	Flash Notice
FOIA	Freedom of Information Act
FSS	Federal Supply Schedule
FY	Fiscal Year
GAO	General Accounting Office
GBL	Government Bill of Lading
GPO	Government Printing Office
GSA	General Services Administration
GSBCA	General Services Board of Contract Appeals
GTA	Government Trial Attorney
HCA	Head of the Contracting Activity
HCAD	Head of the Contracting Activity Designee
HCO	Head of the Contracting Office
IDIQ	Indefinite Delivery Indefinite Quantity (a type of contract)
IFB	Invitation for Bid
IOSA	Interagency or Other Special Agreement
IPT	Integrated Project Team
JOFOC	Justification for Other Than Full and Open Competition
LO	Line Office
LO/SO	Line Office/Staff Office
MRAD	Mountain Region Acquisition Division
MP	Milestone Plan
NAHB	NOAA Acquisition Handbook
NAICS	North American Industry Classification System
NAO	NOAA Administrative Order
NDBC	National Data Buoy Center
OAMFA	Office of Acquisition Management and Financial Assistance
OF	Office of Finance
OFCCP	Office of Federal Contract Compliance Programs
OFPP	Office of Federal Procurement Policy
OGC	Office of General Counsel
OIG	Office of the Inspector General
OLA	Office of Legislative Affairs
OMB	Office of Management and Budget
OSDBU	Office of Small and Disadvantaged Business Utilization
OSy	DOC Office of Security
PA	Privacy Act
PC	Program Coordinator

PCO	Protest Control Officer
PE	Procurement Executive
PMO	Property Management Officer
PO	Purchase Order
P/OC	Point of Contact/Order Contact
PPIRS	Past Performance Information Retrieval System
PR	Purchase Request
RAD	Regional Acquisition Division
RCN	Regulation Change Notice
RFP	Request for Proposal
RFQ	Request for Quotation
SADBUS	Small and Disadvantaged Business Utilization Specialist
SAP	Simplified Acquisition Procedures
SAT	Simplified Acquisition Threshold
SBA	Small Business Administration
SBA PCR	Small Business Administration Procurement Center Representative
SBPO	Senior Bureau Procurement Official
SBTA	Small Business Technical Advisor
SO	Staff Office
SOO	Statement of Objective
SOW	Statement of Work
SSO	Source Selection Official
TAA	Type of Acquisition Action
TO	Task Order
TOr	Transportation Officer
WRAD	Western Region Acquisition Division
WD	Wage Determination

PART 1

NOAA ACQUISITION PROCESS SYSTEM

1.1 Purpose, Authority, Issuance

Who All individuals involved in the acquisition process

What Establishes the identify of the primary individuals involved in the acquisition process

When Applies throughout the acquisition process

Discussion The Acquisition Team (AT) consists of all participants in Government acquisition including representatives from the technical/program, supply, and procurement communities, the customers and after award, the Contractors who provide the products and services. The role of each member of the AT is to define the need in a manner that is consistent with Agency mission and program goals and to exercise personal initiative and sound business judgment to acquire the best value product or service to achieve mission objectives.

At the bare minimum, on a low dollar value, non-complex acquisition, the AT will consist solely of the Program Office representative and the Contract(ing) Specialist/ Officer. As the dollar value and complexity of the acquisition increases the AT will expand to include others. A description of the possible AT representatives follows:

- (a) *Program Office.* The Program Office is usually represented by the person designated as the Contracting Officer's Representative (COR). CORs include Contracting Officer Technical Representative (COTR), Alternate COTRs, and Point of Contact/Order Contact (P/OC).
- (b) *End Users.* These individuals usually are the actual users of the service or item being acquired. Usually the end user drafted or contributed to the Statement of Work (SOW), specifications or other requirements document, and participates on the proposal evaluation team.
- (c) *Contract Specialist.* The Contract Specialist (CS) is responsible for processing the acquisition which includes obtaining the necessary approval of the Contracting Officer (CO). The CS may or may not be the CO. If the assigned CS does not have delegated CO authority, the CS is not able to commit the Government or to obligate funds for the agency. The CS must obtain approval of the assigned CO for any proposed agreement, commitment or obligation to be binding on the agency.
- (d) *Contracting Officer.* The CO is the individual assigned to the specific acquisition that has the authority to obligate the Government. The CO must have a specific CO warrant that sets forth the limits of that delegated authority. CO responsibilities are included in the FAR and in agency-specific guidance.
- (e) *Program Coordinator.* The Program Coordinator (PC) is the individual from the program office assigned to oversee and manage all aspects of a single acquisition or a single program involving multiple acquisitions \geq \$10M in value, from requirement development through receipt, acceptance and closeout of contract. The PC must meet the training requirements of the COR detailed in the Commerce Acquisition Manual (CAM).

The PC will lead the Integrated Project Team (IPT), which consists of all individuals involved in the acquisition, and is responsible for making programmatic decisions regarding the acquisition(s) and keeping NOAA management informed of progress, developments and problems throughout the life cycle of the acquisition. Each IPT shall have a charter that identifies their purpose, composition, roles, responsibilities and authorities, scope and deliverables.

- (f) *Budget/Finance Office.* The Line Office/Staff Office (LO/SO) Budget Office and the Office of Finance (OF) manage funds and attest to proper use of funds in accordance with Federal appropriations law.

Depending on the nature of the acquisition, other members of the AT may include:

- (a) Someone with an analyst background, such as an auditor or cost and price analyst.
- (b) Representatives from other NOAA Line and Staff Offices.
- (c) The NOAA Small and Disadvantaged Business Utilization Specialist.
- (d) A representative of the Department of Commerce (DOC) Office of General Counsel (OGC), Contract Law Division (CLD). If you determine that a legal review is necessary, contact the DOC OGC CLD by telephone at (202) 482-5391, or by fax (202) 482-5858. The OGC will assign an attorney to perform the review. It is up to the Contract Specialist and the attorney to decide which documents are necessary to perform the review.
- (e) Others as appropriate for the specific acquisition.

References FAR Part 1, CAR Part 1, CAM 1301.67, DAO 208-5, DOC OGC CLD website

1.2 Roles and Responsibilities

Regardless of its representation, the AT is responsible for ensuring that the acquisition results in a product or service that (1) represents a sound value that is clearly linked to and advances the Agency mission and one or more program goals; (2) satisfies legal and regulatory requirements including bona fide need, appropriate purpose and funds availability restrictions; (3) achieves performance and investment objectives; (4) meets the Agency's needs and intended results successfully; and (5) remains on schedule and within budget.

Who All individuals involved in the acquisition process

What Establishes the identify of the primary individuals involved in the acquisition process

When Applies throughout the acquisition process

Discussion

- (a) *COR responsibilities.* An individual designated as a COR for an acquisition is generally involved in all aspects of the acquisition process. For purposes of continuity, the COR should be identified as early in the process as possible and, preferably, during the acquisition planning phase. The COR must have the technical knowledge to support their requirement, knowledge of the marketplace for the product/service which is to be acquired, and should have an understanding of the federal acquisition process. In some

cases the COR will be supported by Alternate or Assistant CORs (ACOR) from the same or other organizations. The COR, however, has primary responsibility for all technical aspects of the acquisition. This includes planning, proposal evaluation, source selection, technical direction, contract administration and contract closeout. Depending on what phase of the acquisition you are in, the COR may have the lead, or may provide you support. See Table 1-1 which outlines the roles and responsibilities of a COR throughout the various stages of an acquisition.

- (b) *CS responsibilities.* The CS has responsibility for the actual execution of the Acquisition. However, the CS should be involved at the initial planning stages to assist the COR with market research, development of appropriate acquisition strategy, development of the Acquisition Plan (and milestone schedule), and identifying and securing required clearances and approvals for the specific requirement. After receipt in the acquisition office, the CS is responsible for conducting the acquisition, involving other appropriate members of the AT at appropriate points in the process and preparing the award for review, approval and execution by the CO. The CS may be the acquisition CO as well. After award, the CS is involved in the acquisition throughout its life including contract closeout. The CS receives performance information from the COR and takes appropriate actions to ensure the contractor's compliance with all terms and conditions of the contract. The CS will prepare for CO approval and signature any necessary contract modifications and contract actions such as changes to any terms (including delivery dates) of the contract, cure or show cause notices, novation agreements, changes to key personnel or CORs, application of liquidated damages or Quality Assurance Surveillance Plans, award fees, and assurance of receipt and acceptability of all deliverables (both contractual and administrative) in the contract.
- (c) *CO responsibilities.* The CO is the individual authorized to bind the Government to any changes required during the life of the contract. The CO is the only agency official who can agree to any changes to any of the terms and conditions stated in the contract. The CO may or may not also be the CS. The CO must operate within the limits of his/her delegation of authority and is responsible for ensuring the adequacy of file documentation to support the award and any actions taken following award through closeout.

The CO is also responsible for the selection and appointment of Contracting Officer representatives in accordance with CAM 1313.670. Each COR shall be designated by the Contracting Officer's issuance of a COR delegation and appointment memorandum as found on the AGO website under Acquisition Policy.

- (d) *IPT Responsibilities.* IPTs, led by the PC, will be established for any acquisition exceeding \$10 million and/or whenever CONOPS procedures are used (total value = base plus options; maximum quantity for base and all options for indefinite delivery indefinite quantity (IDIQ) contracts; expected maximum in IDIQ-Requirements type contracts). The IPT will be established during the planning phase of the acquisition. The IPT will include representatives of all appropriate expertise's including, at a minimum, the CS, CO, COR, OGC, SADBUS, and the Senior Bureau Procurement Official (SBPO). The IPT will work together as a team to expedite acquisitions through parallel processing of approvals.

References FAR Part 1, CAR Part 1 and Part 13, CAM 1301.67

1.3 COR Training Requirements

Who CORs, ACORs, PCs, P/OCs

What Identifies the training requirements for CORs, ACORs, PCs, and P/OCs

When Mandatory training requirements must be met prior to involvement in the acquisition process and currency must be maintained throughout the life of the acquisition

Discussion (For purposes of this discussion COR will be used generically for COR, ACOR, PC and P/OC)

Regardless of the dollar value of an acquisition, or the acquisition procedures used, if the designated COR will be involved in all phases of the acquisition, such as planning, proposal evaluation, source selection, technical direction, contract administration, and other duties as outlined Table 1-1, he/she must successfully complete the training requirements set forth in the CAM Chapter 1301.67, Contracting Officer Representative (COR) Certification Program.

CORs are encouraged to review AGO's Project Officer's Web Page (*under development*), and to take additional specialized courses related to writing statements of work, performance-based contracting, commercial item contracting, and research and development or information technology acquisition, etc. COs may require CORs to complete additional specialized courses depending on the contract action at hand. The determination to require additional specialized training by the COR shall be made during the acquisition planning phase of the acquisition.

- (a) *Verification and Documentation of Training.* Pending development and implementation of the DOC Workforce Assessment Database, every individual completing any of the required or additional project officer or acquisition-related training shall provide a copy of the certificate received upon completion of the training to the Training Coordinator in the Office of the Director, AGO. The certificate should show the course name, presenter, employee's name, dates of attendance, and the number of hours of training completed. If needed to determine equivalency to a required course when the course provider is not amongst the identified acceptable training courses in the CAM, the AGO CO will require the trainee to provide additional information about course content and topics covered in order to determine whether or not the course covers the required topics set forth in the CAM Chapter 1301.67. If the AGO review determines that the course does cover the required topics, the AGO will coordinate the determination of equivalency with the DOC Office of Acquisition Management and Financial Assistance (OAMFA) to have the course title and vendor added to the list of acceptable training courses in CAM Chapter 1301.67.

The AGO will update the existing COTR Registry. Annual copies of the database will be provided to NOAA Line and Staff Offices for purposes of identifying future COR training needs. Upon implementation of the DOC Workforce Assessment Database, maintenance of COR records will be directed by DOC policy. Copies of training certificates and COR delegations shall be maintained by the issuing acquisition office

from the issuance date of the delegation through the final date of the required record retention date of the most recently issued award on which the COR is delegated.

As part of the acquisition planning process, the assigned CS will determine whether the proposed COR has completed the required training by reviewing the COTR Registry on the AGO's Project Officer's Web Page (*under construction*). If the proposed COR is shown as having current required training and/or certification, regardless of the Agency issuing the certification, the contract file shall be documented by providing a statement in the contract "Summary of Award" or other file documentation, such as a memorandum to the file, that verification was obtained. If the COR does not currently meet the required training and/or certification or specialized training is determined to be required for the specific individual or the specific acquisition, the CS shall identify the needed training and the COR is responsible for successfully completing the required training prior to submittal of the acquisition to the cognizant acquisition office.

If the proposed COR is not listed in the COTR registry, a request shall be made of that individual for a copy of appropriate course certificate(s). Upon receipt of the certificate(s), the CS will forward the certificate(s) to the AGO with a request to update the COTR Registry. Upon addition to the Registry, the Specialist will be notified of the update to the registry and the contract file shall be documented accordingly.

- (b) *Course Equivalency*. If the individual has not taken the required course(s) from the identified acceptable sources (see CAM Chapter 1301.67), but has taken a course that may be considered an equivalent, the AGO Contracting Officer can approve the course as equivalent after reviewing supporting documentation provided by the prospective COR and after determining that the course covers the topics outlined in the CAM Chapter 1301.67. Once the determination has been made by the AGO you can proceed with the acquisition. A copy of the CO's approval will be filed in the award file and a copy shall be provided to DOC OAMFA and the AGO Training Coordinator.
- (c) *Waiver of Training Requirements for Specific Topics*. A waiver of training requirements for specific topics may be granted only by the Director, OAMFA. Any request for waiver of a specific topic must be recommended by the Head of the Contracting Office (HCO), setting forth the rationale for the request, the specific training which is to be waived and evidence that all other required training has been completed. The SBPO must concur in the recommended waiver.
- (d) *Waiver of Training Requirement*. If the individual has not completed the required training/refreshers training or an approved equivalent or other required training (see CAM Chapter 1301.670), the appropriate HCO may waive the training requirement and authorize the individual to perform the COR duties. ***No waivers shall be granted for procurement integrity/ethics training, which must be completed prior to appointment.*** Waivers will only be granted in cases of urgent need and will be valid only for a period of 180 days. Waivers will only be granted where there is a commitment by the program office to obtain the required training within the period of the 180 day temporary waiver

period. A copy of any waiver granted shall be provided to the Director, OAMFA. Exceptions for appointment of CORs for major system procurement actions (those over \$10M life-cycle/total value) must have the concurrence of the SBPO and the approval of the Head of the Contracting Activity (HCA). Failure of the individual to complete and provide the CS with certification of completion of the required training will result in immediate termination of the temporary waiver and the program office will be required to appoint another individual, who has the required training, to perform COR duties.

If the training requirement is waived, the CO shall meet with the individual and their first line supervisor to review the “Contracting Officer Representative’s Contracting Guide” (*under development*) and discuss the aspects of the contracting/program office relationship. The CO shall give the individual a copy of the Guide, or tell him/her to review it on the AGO’s COR web page. The CO will inform the individual that he or she must obtain the appropriate training as soon as possible but that it must be completed within the 180-day period of the waiver.

Documentation of the waiver shall be filed in the award file. The CO shall provide the AGO Training Coordinator with an e-mail documenting the granted waiver.

References CAM 1301.67

1.4 Handbook Publication and Arrangement

This Handbook is designed to supplement the Federal Acquisition Regulations (FAR), the Commerce Acquisition Regulations (CAR) and the CAM. Although the NOAA Acquisition Handbook (NAHB) requirements are not regulatory, the requirements are mandatory for NOAA personnel. These requirements reflect agency policy which must be followed to ensure uniformity or for other reasons.

The NAHB is organized to mirror the subparts of the FAR and CAR. Specifically, Part 1 of the NAHB supplements Subpart 1 of the FAR and CAR.

NOAA-Specific Guidance. Any Part having a designation of “70” are NOAA specific guidance that provides coverage that is not addressed in the FAR.

Copies. Copies of the NAHB from the homepage of AGO’s Intranet site (<http://www.ofa.noaa.gov/~amd>).

1.5 Agency Acquisition Process Guidance

Policy. NOAA’s acquisition and contracting policies and procedures are contained in this Handbook. The NAHB implements and supplements the FAR in areas where there is no FAR coverage or additional coverage is needed. All policy and procedural guidance shall be issued

and controlled by the Acquisition and Grants Office. There will be on-going maintenance of all policy/procedural guidance with routine updates (no less frequently than semi-annually).

Limitations. AGO develops, issues and maintains NOAA's acquisition policy and procedures as follows:

- (a) *Regulation change notices (RCN).* An RCN reports the publishing of or existence of documents containing relevant policy. E-mails shall be used to send RCNs to NOAA acquisition offices and to other individuals with certain delegated acquisition authority in NOAA offices. RCNs contain the following Internet links:
 - (1) Federal Register announcements of FAR changes; and
 - (2) Other publications that affect acquisition procedures. These include the Department of Labor (DOL) and General Services Administration (GSA) directives, Office of Management and Budget Circulars and Bulletins, the Federal Property Management Regulation, and amendments to the Blind and Severely Handicapped List.
- (b) *Flash Notice (FN).* An FN is a policy statement that needs immediate implementation. It may result from a review of contract files, or an inquiry that discloses a regulation or policy that is misunderstood and needs clarification. An FN is temporary. FNs shall be issued via e-mail to all acquisition offices.
- (c) *Handbook.* We use the NAHB to issue major, permanent acquisition policies/procedures. It may explain or clarify a new FAR requirement or implement an agency procedure. NAHB instructions are at the AGO Intranet web site.
- (d) *Acquisition Alert (AcA).* An AA provides guidance and reminders of acquisition policy and procedures/new information needed to perform acquisition duties. AcAs shall be issued electronically to all acquisition offices. Certain AcAs will be sent to agency senior executive staff.
- (e) *Policy issuances developed outside of AGO.* NOAA's Administrative Orders (NAOs) contain procedural guidance for the agency.

1.6 Career Development, Contracting Authority and Responsibilities

Who Contracting Officials

What Identifies requirements applicable to individuals identified as Contract Specialists and Contracting Officers

When Requirements apply upon appointment to the position

Discussion

- (a) The HCA is a CO by virtue of their position. Other COs are appointed under FAR 1.603 and in accordance with DOC's Acquisition Career Management Program and CO's

Warrant Program.

- (b) *Contracting Officer Warrant Program (COWP)*. DOC's COWP (CAM 1301-6) establishes criteria for the selection, appointment, and termination of appointment of NOAA contracting officers. Factors considered in determining the number of contracting officers appropriate for a given organization include volume of actions, work complexity and organizational structure.
- (c) *Training and Education*. The COWP establishes acquisition training requirements for all personnel who exercise CO authority consistent with the intent of the Clinger-Cohen Act of 1996 and Government-wide training requirements. COWP incorporates the Government-wide core curriculum and requires that personnel warranted above the simplified acquisition level meet the same educational standards that apply to personnel in the 1102 contracting series.
- (d) *Deviations*. The Director, OAMFA must approve, in writing, any deviation for the policies, procedures and requirements of the COWP.
- (e) *Appointment*. Under DOC Delegations (Departmental Administrative Order (DAO), the HCA, with authority to redelegate no lower than the HCO, are authorized to select and appoint contracting officers and terminate their appointment.
- (f) *Termination*. An appointing official may terminate a CO appointment at any time. The terminated warrant document shall be returned to the appointing official upon termination.

If an individual with a warrant leaves (through reassignment, resigning, transfer to another agency or retirement) a NOAA acquisition office or are reassigned to a position that does not require a warrant, that warrant becomes null and void and the warrant document must be returned to the appointing official.

References FAR Subpart 1, CAR Subpart 1, DAO 208-2, CAM 1301.6

1.7 Unauthorized Commitments/Ratifications

Who CORs, COs

What Identifies procedures for processing unauthorized commitments

When Applies whenever an individual without CO authority commits the Government without the proper authority and/or whenever an individual with CO authority exceeds their delegated acquisition authority

Discussion

- (a) DOC policy requires that acquisitions be made only by Government officials having authority to enter into such acquisitions. Acquisitions made by other than authorized personnel are contrary to Departmental policy and may be considered matters of serious misconduct on the part of an employee making an unauthorized commitment, and may result in disciplinary action being taken against an employee who makes an unauthorized commitment. Note that an unauthorized commitment also includes any commitment that exceeds any delegated acquisition authority.

Generally, the Government is not bound by commitments made by persons with no acquisition authority or which exceeds that individual's delegated acquisition authority. Unauthorized commitments may violate laws or regulations. If unauthorized commitments involve any type of misconduct that might be punishable as a criminal offense, the matter must be reported immediately to the Office of the Inspector General (OIG) with a request for a complete investigation.

Each NOAA Acquisition Office will maintain a log of all ratification actions which will show the originator of the ratification action, the originator's organization, a description of what was acquired, the date, the amount, and current status. A copy of the log shall be provided to the Director, AGO, no later than the 15th of the month on a quarterly basis in January, April, July, and October. Notice of instances of repetitive ratification actions by an individual or within an organizational component, will be provided to the Associate Administrator (AA), and/or Deputy Associate Administrator (DAA) of NOAA Line Offices (LOs) or Staff Office (SO) Directors.

Examples of unauthorized commitments, if they were legal at the time of purchase, include:

- (1) Receipt of a CD-435 in the contracting office after the product or service has been delivered or performed.
- (2) Receipt of an invoice that:
 - (i) cites an erroneous, expired, or non-existent contract or order number;
 - (ii) lacks a contract or order number;
 - (iii) is for a product or service not covered by a current FY contractual document, but the supply or service continued unabated (e.g., failure to renew FY maintenance or lease agreements or subscriptions); or
 - (iv) that exceeds the cost or quantity authorized by the contract or order.
- (3) Documentation (e.g., an acquisition number or invoice) that shows the contracting or ordering officer exceeded his or her delegated acquisition authority.
- (4) Evidence that an unauthorized individual (e.g., an invoice with the individual's name, or a work order with his or her signature) committed or obligated the Government.
- (5) All unauthorized commitments must be reviewed by DOC OGC CLD.

(b) *Nonratifiable commitments.* You cannot ratify items that are illegal to acquire.

References FAR Subpart 1,

**Table 1-1
Contracting Officer Representative (COR)/Contracting Officer (CO)
Responsibilities**

<u>PRESOLICITATION PHASE</u>	<u>LEAD</u>	<u>SUPPORT</u>
Market Research	COR	CO
Identify Requirements	COR	CO
Planning Schedule	CO	COR
Statement of Work (SOW)/Specifications/ Statement of Objectives (SOO)	COR	CO
Technical Evaluation Criteria	COR	CO
Preparation of JOFOC	COR	CO
Approval of JOFOC	CO	COR
Special Approvals	COR	CO
Prepare CD-435	COR	CO
<u>SOLICITATION PHASE</u>	<u>LEAD</u>	<u>SUPPORT</u>
Synopsis	CO	COR
Prepare Solicitation	CO	COR
Receipt of Offers	CO	COR
<u>EVALUATION AND AWARD PHASE</u>	<u>LEAD</u>	<u>SUPPORT</u>
Technical Evaluation	COR	CO
Business Evaluation	CO	COR
Discussions (if required)	CO	COR
Contract Preparation and Award	CO	COR
Debriefing	CO	COR
<u>POSTAWARD PHASE</u>	<u>LEAD</u>	<u>SUPPORT</u>
Monitoring Technical Performance	COR	CO
Reviewing Progress Reports	COR	CO
Inspection and Acceptance	COR	CO
Contract Administration	CO	COR

PART 2

DEFINITIONS OF WORDS AND TERMS

2.1 Definitions

“Acquisition Management System” is C-Stars.

“Agency head” or “head of the agency” is the Secretary of Commerce. The Secretary has delegated to the Assistant Secretary for Administration/Chief Financial Officer(ASA/CFO) the authority, as permitted by law and regulation, to perform all duties assigned in the FAR to the “agency head” and the “head of the agency.”

“Competition advocate” is the Head of the Contracting Activity Delegee (HCAD) which, in NOAA, is the Director, AGO. This position cannot be redelegated.

“Contracting activity” is the AGO. AGO is the component that has been delegated the full range of legal authority pertaining to acquisition functions. It is responsible for the overall management and direction of NOAA’s acquisition program.

“Contracting office” means:

- National Weather Service Acquisition Division
- National Environmental Science, Data and Information Service Acquisition Division
- National Ocean Service/National Marine Fisheries Service/Office of Oceanic and Atmospheric Research Acquisition Division
- Staff Office/External Customer Acquisition Division
- Eastern Region Acquisition Division
- Central Region Acquisition Division
- Mountain Region Acquisition Division
- Western Region Acquisition Division
- National Data Buoy Center Acquisition Division

“Contracting Officer” means an individual authorized by virtue of position or by appointment to perform the functions assigned by the FAR and the CAR.

“Head of the contracting activity” (HCA) is the Deputy Under Secretary (DUS) for Oceans and Atmosphere.

“Head of the Contracting Office” is the Director of one of the Divisions cited above under Contracting office.

“Legal counsel” means the DOC, OGC CLD providing legal services to the contracting organization.

“Legal review” means review by legal counsel.

“Ombudsman” means the Team Leader, Performance Assessment and Improvement Team, OAMFA, to consider appeals on Delivery Orders/Task Orders placed under multiple award Indefinite Delivery/Indefinite Quantity type contracts.

“Protest Control Officer” (PCO) is the senior Policy Analyst in the office of the Director, AGO.

“Senior Bureau Procurement Official” is the Director, AGO.

“Senior Procurement Executive” is the Department of Commerce, Director of the Office of Acquisition Management and Financial Assistance. This position cannot be re-delegated.

PART 3

IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Who Applies to any individual involved in the acquisition process

What Identifies policy/process associated with improper business practices and personal conflicts of interest

When Applies throughout the acquisition process

Discussion

(a) NOAA follows the “Standards of Ethical Conduct for Employees of the Executive Branch.”

(b) *Disclosure, protection and marking of Contractor Bid or Proposal Information (CBPI) and Source Selection Information.* The following persons may access CBPI and source selection information to accomplish their responsibilities in a procurement action:

- (1) Requirements generators, including client agency representatives, and program and technical experts who develop statements of work, specifications or similar documents;
- (2) Contracting personnel processing the acquisition;
- (3) Personnel serving on technical evaluation boards or source selection evaluation boards;
- (4) Secretarial, clerical and administrative personnel of the contracting activity responsible for the procurement;
- (5) Small business technical advisors;
- (6) Small Business Administration (SBA) personnel who review determinations not to set-aside acquisitions, determine the small business status of offerors under FAR 19.302, process applications for Certificates of Competency under FAR 19.6, review subcontracting plans, or award contracts under the 8(a) program;
- (7) OIG personnel;
- (8) DOL personnel who process preaward Equal Employment Opportunity clearances under FAR 22.805;
- (9) Attorneys in DOC OGC-CLD; and
- (10) Personnel involved in contract approval.

The CO may authorize access to CBPI or source selection information if necessary to conduct the procurement. This includes release of information to outside evaluators. Limit access to only that information the person needs to do his or her job. Include in the contract file, names and functions of any other individuals who have access to CBPI or source selection information.

Any individual who prepares, makes, or controls CBPI or source selection information, or derivative documents must:

- (1) Ensure documents are marked as prescribed for “CBPI” in FAR 52.215-12 or “source selection information” in FAR 3.104-4(c);
- (2) Provide physical security for documents in the office environment during and after

duty hours; and
(3) Ensure security of interoffice mailings.

- (c) *Violations or Possible Violations.* In this subsection, “HCA or designee” means the HCA. FAR 3.104-7(g) does not allow delegation of the duties in FAR 3.104-7(a)(1)(ii) and (2), (b), (c), (d), (e), and (f) below the Senior Executive Service level. If CBPI or source selection information is provided to other than an authorized individual, a determination must be made of the impact of that release of information on the acquisition.

If it is determined that the release of information has no impact, that determination must be submitted to the HCO, for concurrence before award may be made.

- (d) Submit the notice to the HCA through the SBPO before making an award against which you have a report of a possible violation.
- (e) *Reporting Suspected Violations of the Gratuities Clause.* Report suspected violations to the OIG’s Office of Investigations immediately upon discovery with an informational copy to the Director, AGO. Refer to the standards referenced in paragraph (a) above for an explanation regarding what is prohibited and what is permitted.
- (f) *Reports of Suspected Antitrust Violations.* Report suspected antitrust violations to the DOC OGC OGL and the OIG’s Office of Investigations immediately upon discovery.
- (g) *Contingent Fees.* Forward the report on the suspected misrepresentation or violation of the covenant against contingent fees to the HCO and to the OIG’s Office of Investigations immediately upon discovery, as prescribed in FAR 3.405(a). Prepare the report of suspected fraudulent or criminal matters to the Department of Justice in letter format. Forward it through acquisition channels to the HCA for signature. Include in the letter all pertinent facts and background information.
- (h) *Voiding and Rescinding Contracts.* The Agency decision to void or rescind a contract must be coordinated with a DOC OGC CLD attorney.
- (i) *Limitation on the Payment of Funds to Influence Federal Transactions.* Forward two copies of any disclosures to the Policy Analyst, AGO, by the 20th of April and October for the previous 6-month period. AGO will coordinate with OIG as part of the semiannual reporting requirement.
Report suspected violations of the Act immediately to the Policy Analyst, AGO. AGO will coordinate with OIG immediately upon receipt.
- (j) *Whistleblower Protections for Contractor Employees.* AGO shall coordinate any actions taken with DOC OGC CLD.
- (k) *Conflicts of Interest.* All individuals involved with the acquisition process must certify that he/she has no real or apparent conflict of interest. Part 4 of this Handbook provides a sample Conflict of Interest Form that must be executed by all individuals involved with the acquisition and maintained in the official contract file. This Conflict of Interest Form must be executed prior to any individual being provided access to CBPI or source selection information (e.g., prior to convening a review of offers received in response to an agency solicitation). Upon their assignment as CS, CO or COR, the Conflict of Interest Form must be executed and maintained in the official contract award file.
- (l) *Contractor Access to Procurement/Business Sensitive Information.* It is not uncommon for contractor employees working on-site in Agency offices to have access to either procurement sensitive or business sensitive information. All such Contractor employees

shall be required to execute the Confidentiality Agreement Form (see Exhibit 1 to this Part) immediately upon beginning work on-site. Program offices need to be mindful of contractor access to acquisition information that may be available to contractor employees in the performance of their contract requirements throughout the entire acquisition process including the earliest budget formulation or acquisition planning process. Contractor access to NOAA/DOC systems and facilities is addressed in Part 70 of this Handbook.

References FAR Part 3, CAR Part 3, 5 Code of Federal Regulations Part 2635

Exhibit 1

CONFIDENTIALITY AGREEMENT

The parties to this Confidentiality Agreement (“Agreement”) are (*Named party*) and the National Oceanic and Atmospheric Administration (NOAA). This Agreement is applicable to all work provided under NOAA Contract/Order No. _____.

Anyone identified as an employee of the Contract, subcontractors, consultants, experts, and any other person retained for any tasks under the above referenced contract/order shall execute this Agreement prior to performing any work for NOAA.

For the purposes of this Agreement the term “information” includes, but is not limited to, planning documents, strategies, research proposals, data results, preliminary conclusions, field notes, computer files or data, designs, equipment, photographic or video media, or conversations related to any work performed for NOAA. The term “information” also includes internal Government memoranda, draft and final documents, procurement sensitive information including information on other contractors, cost or pricing information, financial information, as well as information marked “Confidential Business Information” or information not specifically marked, but falling within the meaning of “Confidential Business Information,” and “Attorney-Client Work Products.”

(*Named party*) hereby acknowledges that any information viewed, received, obtained, developed or generated pursuant to the tasks assigned or work performed under agreement(s) with NOAA is sensitive. Some information may carry additional sensitivities and restrictions relative to its use/disclosure including “Confidential Business Information” and “Proprietary Information.”

It is hereby agreed that (*Named party*) shall keep any such information confidential and to otherwise use discretion and exercise reasonable care and caution to prevent the potential compromise of any restrictive markings or ongoing or future litigation. (*Named party*) shall not use, make reference to or reveal to any person or entity not working under the direction of the Contractor in support of NOAA any information, whether that information is provided to the (*named party*) by NOAA, provided to the (*Named party*) by another party at NOAA’s direction, or developed or generated by the (*Named party*) pursuant to a work assignment, without the prior written approval of the Contracting Officer.

The (*Named party*) hereby agrees that 90 days after the completion of all work or at the end of the term of the above referenced contract/order the (*Named party*) will deliver to NOAA any original or copied information furnished by NOAA or from another party at NOAA’s direction and any information developed or generated.

Signature

Date

Written/Typed Name

Corporate Title/Job Title

PART 4

ADMINISTRATIVE MATTERS

4.1 General Review Guidelines

Who Acquisition Personnel

What Provides policy/process guidance on required acquisition reviews and Acquisition Management Reviews

When Applies throughout the acquisition process

Discussion

- (a) *Review and Approval of Proposed Solicitations and Contract Awards.* The CO must review all documents, regardless of dollar value. For a quick reference guide, see Exhibit 1, “Review and Approval Levels for Solicitations and Contract Awards” of this Part.

Note: In this Part, Blanket Purchase Agreements (BPA) are treated the same as contract awards. For a BPA, the estimated value is defined as the maximum of all orders that are anticipated to be placed against it. If awarding multiple BPAs for a single requirement, the estimated value is the maximum of all orders that you anticipate will be placed against all of the BPAs combined.

To determine the value of other awards, see FAR 1.108(c).

- (1) Resolve all issues before award. If necessary, documentation may be produced after award, but must indicate the issues were resolved before award. Obtain written approvals on a “Source Selection Decision” document.
 - (2) Give a copy of the contract to the COR for review and comments before issuance if time permits.
 - (3) HCOs may make the pre-award review of work under his or her jurisdiction more restrictive if the situation warrants.
 - (4) Each person who reviews and approves a contract file of any amount that is over the simplified acquisition threshold (SAT) must sign a Conflict of Interest Certification (see Exhibit 2 of this Part). Include the certification in the contract file at the tab, Pre-Award Review and Approval.
- (b) *Review of solicitations, contracts, contract modifications, and delivery orders Over the Simplified Acquisition Threshold (SAT).*
- (1) All reviews are to be documented, in writing, with all comments identified as substantive, non-substantive, or clerical. A copy of all reviews conducted and resolution of all comments made shall be maintained in the award file documentation under the appropriately identified tab.
 - (2) *Synopsis.* All synopsis, whether for industry comment, sources sought, announcement of solicitation or award, must be reviewed by the cognizant CO prior

to submission of the synopsis to FedBizOps. The CO is responsible for ensuring the clarity and accuracy of each synopsis published.

- (3) *Solicitations.* All solicitations must be reviewed by the cognizant CO prior to release (in hard copy or electronically) of the solicitation. If the CS is also the CO, the solicitation shall be reviewed at a level above the CO. See Exhibit 1 of this Part for identification of additional reviews necessary for specific acquisitions or types of acquisitions.
 - (4) *Contract Award.* The CO must review and approve these before award. The person who is one level above the CO must perform a review if the CO is also the CS. See Exhibit 1 of this Part for identification of additional reviews necessary for specific acquisitions or types of acquisitions.
- (c) *Acquisition Management Review.* It is NOAA acquisition policy that there will be an internal post-award Acquisition Management Review (AMR) program involving all acquisitions including those under the micropurchase threshold processed by an Acquisition Management Division (AMD). This program does not eliminate the requirement for pre-award reviews.

This program's intent is not to find fault on an individual basis. The desired results are twofold: to identify problem areas or trends that require corrective action and take the necessary steps to implement such action; and, to identify best practices that should be shared.

The AMR consists of a review of selected contracts, contract modifications, awards following simplified acquisition procedures (SAP), and FAR part 8 awards. The reviews will be performed by the Director, AGO, or senior acquisition specialists appointed by the Director, AGO. In order to identify best practices, from time to time, a manager (or team leader) from a different division/office from that being reviewed may be requested to assist with the review. In addition, the Director, AGO will occasionally solicit comments from operating staff as to those areas which require more discussion/training and recommendations from staff as to practices they consider should be shared with the other ADs in NOAA.

Reviews will be performed periodically on a rotational basis among the nine ADs. Preliminary results will be shared with the applicable AD Director. The Director, AGO, will send each HCO the final AMR report and request a response based on the review comments. The HCO will provide a response that will indicate any corrective action, training, etc. that has been taken.

The objectives of the AMR and procedures to be followed are attached (see Exhibit 3).

- (d) *Contract Distribution.* A copy of the award document (showing an original CO signature) shall be filed in the official contract file. Duplicate originals shall be provided to the Contractor and to the Finance Office.

Copies of the award document shall be provided to the COR and, as appropriate, to the Personal Property Office (if the acquisition requires delivery of accountable property) and the NOAA Small and Disadvantaged Business Utilization Specialist (SADBUS) (for any contract requiring submission of Small/Disadvantaged Business Subcontracting reports).

- (e) *Contract Files.* Note: It is NOAA policy that each contract file provide a stand-alone summary of the background and history of each contract action. The file documentation should provide sufficient documentation to support the decisions made regarding the contractual action.

Note: Refer to FAR 2.101 for the definition of a contract.

- (f) *Contents of Agency Contract Files.* This subsection applies to all acquisitions except for those conducted under FAR parts 8 and 13 (file set-up and documentation for acquisitions processed under FAR Parts 8 and 13 are detailed in Parts 8 and 13 of this Handbook), including:

- (1) All noncommercial item/service acquisitions conducted under FAR part 14 or part 15; and
- (2) Commercial item/service acquisitions conducted under FAR part 12 in conjunction with FAR part 14 or part 15.

- (g) *Policies and procedures.* When the contract file is assembled, the format in the “Arrangement of Contract Files” (Exhibit 4 of this Part) shall be followed. Using this format will help to ensure that documentation is sufficient to give a complete history of the acquisition for purposes of:

- (1) Providing a complete background that will serve as a basis for informed decisions each step of the acquisition process;
- (2) Supporting actions taken;
- (3) Providing information for reviews and investigations; and
- (4) Furnishing essential facts in case of litigation or congressional inquiries.

File assembly begins with the receipt of the acquisition in the AD from the program office. If significant planning activity occurs prior to receipt of the acquisition in the servicing AD, file assembly should begin prior to receipt of the acquisition.

No NOAA acquisition files, whether assembled under this instruction or under parts 8 or 13, will contain extra or duplicate copies of award or other documents.

Following are generally applicable guidelines for all acquisition files:

- (1) Tab the contract file.
- (2) File items in reverse order starting with Tab (1) on the bottom of the file and the

- highest applicable tab number on top.
- (3) File documents within a tab chronologically with the most recent document on top.
 - (4) Place documents too voluminous for an individual tab in a separate file. Annotate the tab with the location of the file.
 - (5) Omit any tab not required for the contract.

(h) Exhibit 4 is made up of three parts:

- (1) Arrangement of Contract Files, Part I, Basic Contract Award Support Documentation;
- (2) Arrangement of Contract Files, Part II, Contract and Contract Modification Documents; and
- (3) Arrangement of Contract Files, Part III, Contract Administration Documentation.

In order to ensure consistency of assembly and content, the guidance in Exhibit 4 is mandatory. The following notes will assist in assembling a contract file.

(i) *Part I -- Basic Contract Award Support Documentation.*

(1) The Contract File Index has been completed to serve as an example only. Not all of the tabs/activities listed in the example apply to every acquisition. When preparing the Index, number the tabs sequentially and number only those tabs relating to activities that are applicable to the instant acquisition. If a particular tab/activity is not applicable to a specific acquisition, DO NOT INCLUDE THEM IN THE CONTRACT FILE. Mark the tab "N/A" on the index.

(2) Not all of the items listed under each tab will apply to every acquisition. However, the list of items under each tab can serve as a "checklist" for purposes of file assembly and review.

(3) The index and the items listed under each individual tab provide guidance of where documents/correspondence should be filed.

(4) Although the examples were established primarily for the basic contract file, use the same arrangement for contract modifications.

(5) If it is anticipated that the acquisition file will be sizable, consider using separate contract file folders (see the Contract File Folder Cross Reference Index in Attachment 4).

(ii) *Part II – Contract and Contract Modification Documents.* Part II establishes the sequence for assembling the signed contract, any modifications, and the Contract Summary Sheet. For reference, a separate file folder(s) may be established if it is expected the basic contract document and subsequent contract modifications

will be sizable. Assemble Part II in the following descending order (top to bottom):

- (1) Tab A – Contract Summary Sheet;
- (2) Tab B – Contract Modifications (separately tabbed/numbered--Highest number on top); and
- (3) Tab C – Original signed basic contract document.

- (ii) *Part III – Contract Administration Documentation.* Part III addresses the establishment and content of the files necessary for good contract administration. Separate file folders may need to be established if it is expected that the contract administration documentation will be sizable.

References FAR Subpart 4, CAR Subpart 4

4.2 Closeout by the Office Administering the Contract

Consider contracts that follow Simplified Acquisition Procedures (SAP) and do not exceed the SAT closed when you receive evidence of receipt of property and final payment. Follow the procedures at FAR 4.804-5 and 4.804-5(a) when submitting a contract you awarded under FAR subpart 13.5.

4.3 Uniform Procurement Instrument Identification

Who Acquisition personnel (including those with delegated procurement authority)

What Provides guidance on content of acquisition numbering processes

When Throughout the acquisition process

Discussion

- (a) Use the uniform procurement instrument identification system detailed herein for procurement instruments (contracts, orders, BPAs, etc.). Do not use if for imprest fund/convenience check purchases or purchases made with the Government-wide commercial purchase card.
- (b) *Basic procurement instrument identification number.* The basic procurement instrument identification stays the same throughout the life of the procurement instrument. It consists of 14 alphanumeric characters as follows:
 - (1) Activity Code – The activity code is 6-digit alpha-numeric, and includes a combination of the contracting office code and the activity code of the requiring bureau or agency:

DG	Headquarters' Acquisition Divisions
AB	Western Region Acquisition Division
RA	Mountain Region Acquisition Division
WC	Central Region Acquisition Division

EA	Eastern Region Acquisition Division
QA	National Data Buoy Center
1330	NOAA
133C	NOAA National Ocean Service
133E	NOAA National Environmental Satellite and Data
133F	NOAA National Marine Fisheries
133R	NOAA Oceanic and Atmospheric Research
133W	NOAA National Weather Service
1321	Bureau of Economic Analysis
1352	Minority Business Development Agency
1314	Economic Affairs
1325	Economic Development Administration
1351	Export Administration
1341	National Institute of Standards and Technology
1342	National Technical Information Service
1335	National Telecommunications and Information Administration
1350	International Trade Administration

- (2) Fiscal Year: The Fiscal Year is designated by 2 digits and indicates the last two positions of the fiscal year of the base transaction (e.g., 01, 02) Counter Code: The counter code is 2-digit alphabetic and identifies the type of action. Counter codes identify the type of acquisition transaction being processed. The first letter of the counter code designates whether the action is a simplified acquisition, advance pay acquisition, unpriced order, contract, or agreements, and are designated with the codes S, A, U, C, and B respectively. See complete list below:

<u>Document Type</u>	<u>Counter Code Designation</u>
Priced Purchase Order – Services	SE
Priced Purchase Order – Supplies	SU
Priced Purchase Order – Utilities	ST
Priced Purchase Order – Prepay Services	AE
Priced Purchase Order – Prepay Supplies	AU
Unpriced Purchase Order – Services	UE
Unpriced Purchase Order – Supplies	UU
Blanket Purchase Agreements	
Unrestricted	BU
Restricted	BR
Basic Ordering Agreements	BA
Contracts	CN
Indefinite Delivery Type Contracts	CQ
Orders Against Other Agency Contracts:	
COMMITTS	CT
Other Commerce	CC

Other Agencies	NC
Solicitations—Request for Quotes	RQ
Solicitations—Request for Proposals	RP
Solicitations—Sealed Bids	RB

- (4) **Serial Number:** The serial number is a sequential 4 digit numeric field. The automated procurement system generates the serial number based upon the selected counter code. This means that more than one document may be numbered 0001 during the current fiscal year. Close attention must be paid to the counter code indicator.

References: FAR Subpart 4; CAR Subpart 4; CAM Chapter 1304.6

4.4 Safeguarding Classified and Sensitive Information Within Industry

Who CS and COR

What Requirements for safeguarding classified/sensitive information and security requirements for contractor personnel working on-site at NOAA facilities

When Throughout the acquisition process

Discussion:

- (a) *Definitions.* “Contractor personnel” includes subcontractor personnel. “Perform(ing) under the contract” is either working on-site at a NOAA facility (including visiting a NOAA site for any reason) or having access to agency programmatic or sensitive information.
- (b) *Security and suitability.* There are three main elements of security at NOAA. They include protective, personnel and information systems security. The first two are involved with determining the suitability of contractor personnel.

In the acquisition planning phase of the acquisition, the COR and CS should discuss the need for contractor/subcontractor personnel to visit or work on-site at NOAA facilities and ensure that adequate start-up time is allowed in the process for securing necessary clearances.

- (c) *Protective and personnel security.* The DOC Office of Security (OSy) is responsible for physical and personnel security requirements at NOAA facilities. The appropriate OSy should be contacted to determine appropriate procedures and clearance requirements for permitting contractor/subcontractor personnel to have physical access to NOAA facilities. Also see Part 70.2 of this handbook.

The contract shall include the appropriate CAR clause(s) (CAR 1352.237-71 in high-risk contracts and CAR 1352.237-72 in low and moderate-risk contracts) in Section C of the contract.

The COR and CS should ensure that the contract allows adequate start-up time to obtain the necessary clearances.

(d) *Information security.* The Information Systems Security officer is located in the Office of the Chief Information Officer. The contract shall include the appropriate CAR Clauses (CAR 1352.239-73 and CAR 1352.239-74).

References: FAR Part 4, CAR Part 4, DOC IT Security Program Policy and Minimum Implementation Standards, NOAA IT security policies and IT security manual

Exhibits:

- 1 Review and Approval Levels for Solicitations and Contractual Awards
- 2 Conflict of Interest Certification
- 3 Acquisition Management Review
- 4 Arrangement of Contract Files

REVIEW AND APPROVAL LEVELS FOR SOLICITATIONS
AND CONTRACTUAL AWARDS

WHAT	CONTRACTING OFFICER	CONTRACT REVIEW BOARD	LEVEL ABOVE THE CO	NOAA PROCUREMENT OFFICIAL	LEGAL
IFBs	All	Any requiring higher level approval to award	- Whenever CO is also the Contract Specialist - $\geq \$1,000,000$	$\geq \$2,500,000$	$> \$500,000$
RFPs	All	- Any requiring higher level approval to award - $\geq \$500,000$ - whenever allowing use of progress payments based on % or stage of completion (excluding construction or ship repair)	- Whenever CO is also the Contract Specialist - $\geq \$1,000,000$	$\geq \$2,500,000$	$> \$250,000$
RFQs	All				
Contract Award	All	- Any requiring higher level approval to award - $\geq \$500,000$	- Whenever CO is also the Contract Specialist - $\geq \$1,000,000$	$\geq \$2,500,000$	- Only when award is made to other than low offeror on sealed bid acquisitions - $\geq \$250,000$ on negotiated acquisitions
Non-competitive acquisitions	All	$\geq \$250,000$	- Whenever CO is also the Contract Specialist	$\geq \$500,000$	$> \$100,000$ excluding options; including 8(a)
				NOAA	

WHAT	CONTRACTING OFFICER	CRB	LEVEL ABOVE THE CO	PROCUREMENT OFFICIAL	LEGAL
Letter Contracts	All	≥ \$100,000	-Whenever CO is also the Contract Specialist - ≥\$1,00,000	≥\$1,000,000	>\$100,000
Contract Modifications	All	≥\$500,000 (excludes options, incremental funding actions)	- Whenever CO is also the Contract Specialist - ≥\$1,000,000	≥\$2,500,000 (excludes options, incremental funding actions)	Thresholds established in this matrix apply for acquisitions accomplished as modifications to an existing contract (e.g., amending the scope of a contract that increases value of the contract)
Settlement Agreements	All	>\$100,000	-Whenever CO is also the Contract Specialist - ≥\$100,000	≥\$2,500,000	≥\$100,000
Claims	All	N/A	-Whenever CO is also the Contract Specialist	≥\$2,500,000	All
Terminations	All	N/A	- Whenever CO is also the Contract Specialist	≥\$2,500,000	All
Protests – Responses To/Determinations	All	All	- Whenever CO is also the Contract Specialist	≥\$2,500,000	All
Stop Work Orders	All	All	- Whenever CO is also the Contract Specialist	N/A	N/A

For purposes of determining dollar value: in acquisitions including options, include the value of the base period/quantity/amount plus all options; in acquisitions with incremental funding, it is the total value regardless of amount funded; in acquisitions to be awarded as indefinite delivery/indefinite quantity, value is the maximum value of the quantity available for ordering under the contract (when options are included it is the value of the base period maximum quantity plus the value of the option maximum quantities); in acquisitions to be awarded as requirements-type contracts it is the total estimated value (when options are included it is the base period estimated value plus the option period estimated value(s)). Orders placed against Federal Supply Schedules and requirements contracts are exempt from the requirements of this matrix. Separate guidance is provided.

CONFLICT OF INTEREST CERTIFICATION

In order that I may participate in the review and approval process for (contract number) to (name of contractor), I have signed and dated this form where indicated. My signature will be considered a confirmation that the Certification Statement is accurate and true on my behalf. If such certification cannot be made, I am prohibited from participating in the review and approval of the contract.

CERTIFICATION STATEMENT

I certify that I do not have any personal, financial, or other interest in, or relationship to, the Contractor. I also certify that I am not biased for or against the contractor for any other reason.

Signature

National Oceanic and Atmospheric Administration

Acquisition Management Review

Acquisition Management Review (AMR) Strategic Objectives:

Identify strengths and problems within each office;

Reduce the number of systemic and isolated problems; and

Review and report on legislative, regulatory and policy compliance.

Critical Outcomes:

HCOs may submit responses informally and via e-mail to the Director, AGO, after receipt of the formal reports detailing the results of the AMR review. These responses will address each significant material weakness identified by the review team;

Best practices will be identified and shared with other operational divisions; and

Areas requiring additional policy guidance will be identified.

Areas to be reviewed:

Reviews will include contracts and contract modifications, awards following simplified acquisition procedures (SAP) including commercial items purchased under the test program, and Federal Acquisition Regulation (FAR) part 8 awards. Micropurchases will be included.

For each file examined, the reviewer will complete a detailed review checklist (Tab A) that includes (as appropriate) a narrative description of the strengths and weaknesses identified by the reviewer.

NOTE: At the reviewer's discretion, the file review checklist in Tab B will be used for non-complex modifications.

Contracts and Contract Modifications (not following SAP):

Review will cover the following areas:

- Advance Acquisition Planning
- Acquisition Request/Request for Contract
- Solicitation;

- Proposal Evaluation;
- Discussions/Negotiations;
- Award; and
- Contract administration (including resolution of developing and current problems under the contract, checking for annual report card requirements and quarterly contract administration reports).

In addition to the general areas described above, the reviewer will check the file for compliance with the FAR, Agency requirements, NAOs and DAOs, and this Handbook.

Awards Following SAP and FAR Part 8 Awards:

Reviews will examine the following areas:

- File completeness;
- Compliance with competition requirements;
- Regulatory compliance;
- FAR, agency policies, and sound business practices; and
- Appropriate approvals

Sampling Methodology and File Evaluation Methodology:

Sampling Methodology:

The sampling methodology applied will include random sampling as well as non-random sampling. The sample will be selected from the 3 months preceding the review for the Division being reviewed. The sample can be expanded and the three month timeframe disregarded if the initial review of the selected contract action identifies problems.

Non-random reviews will be conducted on any acquisition that has received management or public scrutiny, or by special request of the operating office/division. After the file selection is completed, an analysis will be conducted to ensure that a disproportionate number of files from one contract specialist or contracting officer are not selected.

File Evaluation Methodology:

The file reviews conducted will cover those areas previously identified. Within these general areas reviewers will be looking for specific information contained (or not contained) in each file reviewed.

See Tabs A and B for the specific items to be reviewed.

Tabs:

Tab A – File Review Checklist

Tab B – Noncomplex Contract Modification File review Checklist

FILE REVIEW CHECKLIST

AWARD NO. _____

AWARD DATE: _____ **EFFECTIVE DATE:** _____

CONTRACT SPECIALIST: _____

CONTRACTING OFFICER: _____

CONTRACTOR: _____

AWARD AMOUNT: _____ **SYSTEMS LIFE AMOUNT:** _____

CONTRACT TYPE: _____

PERIOD OF PERFORMANCE (INCLUDING OPTIONS) _____

BRIEF DESCRIPTION OF ITEM BEING ACQUIRED: _____

OVERALL FILE CONTENTS (CHECK APPLICABLE BOXES):

- | | |
|--|---|
| <input type="checkbox"/> Advance Acquisition Planning | <input type="checkbox"/> Discussions/Negotiations |
| <input type="checkbox"/> Acquisition Request/Request for Contract | <input type="checkbox"/> Award |
| <input type="checkbox"/> Proposal Evaluation | <input type="checkbox"/> Contract Administration |
| <input type="checkbox"/> Past Performance Evaluation | <input type="checkbox"/> Tradeoff Analysis |
| | <input type="checkbox"/> Performance-Based Contracting |

BEST PRACTICES IDENTIFIED: (DISCUSS AS APPROPRIATE)

COMMENT(S):

NOTES AND OBSERVATIONS:

ADVANCE ACQUISITION PLANNING

	YES	NO	N/A
Acquisition Milestone Plan Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquisition Milestone Plan Prepared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Narrative Acquisition Plan Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Narrative Acquisition Plan Prepared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquisition Plan Content Meets Agency Requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acquisition Plan signed by COR, CO and Approving Official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Market Research Accomplished	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate Acquisition Strategy Selected/Justified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

ACQUISITION REQUEST(AR)/REQUEST FOR CONTRACT (RFC)

	YES	NO	N/A
Adequate and properly approved JOFOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Budget/Funds Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Independent Government Cost Estimate (IGCE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADBUS Review in File	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Justification for Providing Government Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation Criteria Included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formal Source Selection Process or Waiver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

SOLICITATION

	YES	NO	N/A
<input type="checkbox"/> Competitive			
<input type="checkbox"/> Noncompetitive			
<input type="checkbox"/> Small Business Set-Aside			
<input type="checkbox"/> 8(a) Competitive			
<input type="checkbox"/> 8(a) Noncompetitive			
<input type="checkbox"/> Construction			
<input type="checkbox"/> Architect/Engineering			
Adequate Specifications/SOW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does COR have required training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Synopsis published	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presolicitation Conference	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solicitation period consistent with regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proper contract type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wage determination required/incorporated into solicitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate clauses and provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representations and certifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost/pricing data requested (justification)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate evaluation criteria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Award selection methodology clearly stated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Justification for use of options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Option Evaluation clearly stated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If IDIQ, min/max for contract clearly stated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If IDIQ, min/max per order clearly stated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Order provisions included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liquidated damages rate substantiated & not a penalty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Requirement for bid, performance/payment bonds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Requirements for insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Security background checks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

PROPOSAL EVALUATION

	YES	NO	N/A
Late proposals handled properly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstract of offers prepared properly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the Technical Evaluation Team been briefed on review process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Technical evaluation report in the file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation consistent with stated criteria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Composite evaluation rating sheet in file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Narrative discussion of proposals including strengths/weaknesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competitive range determination made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offerors in range notified for proposal deficiencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offerors outside range notified promptly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

DISCUSSIONS/NEGOTIATIONS COST/PRICING DATA

	YES	NO	N/A
Cost or Pricing Analysis in File	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiations/Exchanges conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Summary of Award	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

AWARD

	YES	NO	N/A
List of Parties Excluded from Procurement Programs checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
On-site preaward survey conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written affirmative determination of responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Determination of price reasonableness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Award decision documented	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preaward notification to unsuccessful offerors under small business set aside	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EEO clearance required and obtained (over \$10M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organizational conflict of interest certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Award input into C-Stars/FPDS-NG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FedBizOps contract award announcement published	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
File documented concerning VETS-100 reporting requirement as required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Congressional notification of award over \$3M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unsuccessful offerors notified promptly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disposition of protests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debriefings conducted and documented	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence that DOL Wage Notice Poster was furnished to Kr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disclosure of lobbying activities (OMB Form LLL)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Review of Subcontracting Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was proposed award reviewed by appropriate approving official(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were all issues identified in pre-award review resolved appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

TIMELINESS FACTORS

	YES	NO	N/A
Type of Acquisition Action Milestone(s) met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, check item(s) below that applies:			
<input type="checkbox"/> Poor statement of work/purchase description			
<input type="checkbox"/> Lack of clear understanding of what was being agreed to by the parties			
<input type="checkbox"/> Other			

Comments:

CONTRACT ADMINISTRATION

	YES	NO	N/A
Annual Report Card in contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monthly Contract Administration Report in file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NONCOMPLEX CONTRACT MODIFICATION

FILE REVIEW CHECKLIST

	YES	NO	N/A
Funding citation identified and certified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proper authority cited for modification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Memorandum in file explaining the basis for actions taken	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Required approvals obtained and contained in file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For options:			
- D&F to justify exercising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Price determination that option still best deal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Required notice provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Awarded consistent with contract terms and conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Modification proper in every way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Type of Acquisition Action milestone(s) met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, check item(s) below that applies:			
<input type="checkbox"/> Poor SOW/purchase description			
<input type="checkbox"/> Lack of clear understanding of what was being agreed to			
<input type="checkbox"/> Other			

Comments:

ARRANGEMENT OF CONTRACT FILES

File Format Using Multi-Tab Folders

Inside Front Cover	Basic Contract Pre-Award Documentation (tabbed with completed Contract File Index on top)
Front – 1 st Tab	Basic Contract and Modifications (individually tabbed, basic contract on bottom; modifications filed in inverse order (highest number on top); completed Contract Summary Sheet on top)
Back – 1 st Tab	Modification back-up documentation tabbed using Contract File Index and topped by a tab with appropriate Mod. No. inserted (backup should be filed by modification in inverse order—highest number on top)
Front – 2 nd Tab	Contract deliverables/administration documentation
Back – 2 nd Tab	Invoices
Inside Back Cover	Reports; miscellaneous correspondence

ID/IQ Contracts: Task/Delivery Orders and their supporting documentation need to be filed in separate files utilizing the same filing and tabs instructions ((e.g., back-up documentation tabbed and complete on the left inside cover; award document on the right hand side). There should be in the administration documentation in the contract file an index of delivery/task orders issued against the contract that identifies what folder they can be found in (e.g., 2 of 2; 3 of 4, etc.). It would be permissible to have a separate file for task/delivery orders (and their supporting documentation) that contained multiple T/DOs as long as that file did not become too bulky and cumbersome to work with.

PART I

**BASIC CONTRACT AWARD SUPPORT
DOCUMENTATION**

(PLACE THIS DOCUMENTATION ON THE INSIDE OF THE
FOLDER'S LEFT-HAND SIDE. FILE **ONLY**
ON THE LEFT-HAND SIDE OF THE FOLDER;
USE MULTIPLE FOLDERS (e.g., 1A, 1B, 1C, etc.) IF
THE DOCUMENTATION IS SIZABLE

SAMPLE CONTRACT FILE INDEX

NOTE: We have completed this index and the corresponding tabs to serve as a guide only.

You may duplicate the Contract File Index.

**CONTRACT FILE FOLDER
CROSS-REFERENCE INDEX**

CONTRACT NUMBER _____

Contract File Folder No. 1	Basic Contract Document and Modifications
Contract File Folders No. 1A and 1B	Basic Contract Award Support documentation
Contract File Folder No. 2	Contract Modification Support Documentation
Contract File Folder No. 3	Contract Deliverables, Performance Reports, Subcontracting Reports, Invoices, Correspondence And Other Contract Administration Documentation
Contract File Folder No. 4	Solicitation, Amendments, and Related Documentation
Contract File Folder No. 5	Technical Evaluation Reports for Basic Contract Award
Contract File Folder No. 6	Price/Cost Evaluation Reports for Basic Contract Award
Contract File Folders No. 7 and 7A	Successful Offeror's Bid or Proposal
Contract File Folders No. 8 thru 11	Unsuccessful Offerors' Bids or Proposals

CONTRACT FILE INDEX

Solicitation No. _____ Contract No. _____
 Mod. No. _____

TAB ACTIVITY	TAB ACTIVITY
<input type="checkbox"/> Market research	<input type="checkbox"/> Successful bid or proposal
<input type="checkbox"/> Acquisition planning	<input type="checkbox"/> Non-price/cost factors evaluation
<input type="checkbox"/> Acquisition request	<input type="checkbox"/> Price or cost analysis
<input type="checkbox"/> Presolicitation special approvals: <input type="checkbox"/> JOFOC <input type="checkbox"/> JAUP <input type="checkbox"/> FAR Part 8 Waivers <input type="checkbox"/> others	<input type="checkbox"/> Competitive range determination
<input type="checkbox"/> Presolicitation determinations: <input type="checkbox"/> GF property/facilities/telephone <input type="checkbox"/> Buy American Act <input type="checkbox"/> deviations <input type="checkbox"/> Advance payments <input type="checkbox"/> others <input type="checkbox"/> use of options	<input type="checkbox"/> Exchanges with offerors after receipt of proposals
<input type="checkbox"/> Wage determinations <input type="checkbox"/> Service Contract Act <input type="checkbox"/> Davis-Bacon Act	<input type="checkbox"/> Best value tradeoff process analysis
<input type="checkbox"/> Socioeconomic Considerations <input type="checkbox"/> Sadbus Review <input type="checkbox"/> SBA 8(a) Set-aside <input type="checkbox"/> Subcontracting plan <input type="checkbox"/> SBA Certificate of Competency	<input type="checkbox"/> Certificate of current cost or pricing data
<input type="checkbox"/> Contractor vs govt. performance	<input type="checkbox"/> Preaward eeo clearance
<input type="checkbox"/> Presolicitation synopsis/notice	<input type="checkbox"/> Disclosure of lobbying activities
<input type="checkbox"/> Solicitation document & review(s) (includes amendments to sol.)	<input type="checkbox"/> Responsibility documentation
<input type="checkbox"/> Exchanges w/industry before receipt of offers	<input type="checkbox"/> Summary of award/negotiation memorandum
<input type="checkbox"/> Recording of bids/proposals	<input type="checkbox"/> Source selection decision
	<input type="checkbox"/> Preaward review(s) and approval
	<input type="checkbox"/> Notice to unsuccessful offerors
	<input type="checkbox"/> Award synopsis/notices of award
	<input type="checkbox"/> Designation of COR
	<input type="checkbox"/> FPDS-NG printout

Prepared By: _____ Date: _____

BASIC FILE

TAB	CONTENTS	REFERENCE
1	<p><u>Market Research</u> Information and documentation pertaining to the market research that was conducted for the acquisition in question should be filed under this Tab. The intent of the market research is to determine if commercial item/services or non-developmental items are available to meet the Government’s needs or could be modified to meet the Government’s needs, which then permits utilization of the policies and procedures in FAR Part 12. If market research establishes that the Government’s needs cannot be met by a type of item or service customarily available in the commercial marketplace, then do not use Part 12. The extent of market research will vary depending on such factors as urgency, estimated dollar value, complexity and past experience.</p> <p><u>NOTE:</u> Justifications for Other Than Full and Open Competition (JOFOC) require a description of the market research conducted (see FAR Part 10) and the results <u>or</u> a statement of the reason you did not perform market research.</p>	<p>FAR Part 10 FAR 10.002(d)(1), (2), and (e) FAR 12.101 FAR 7.102(a)</p> <p>FAR 6.303-2(a)(8)</p>
2	<p><u>Acquisition Planning</u></p> <p>» Acquisition planning information – Milestone Plan</p> <p>» Written/narrative acquisition plan</p> <p><u>(NOTE:</u> A written/narrative acquisition plan is <u>required</u> for any <u>new contract.</u>) <u>(Suggestion:</u> To avoid writing a separate determination, include rationale for a single award indefinite quantity-indefinite delivery contract in the written/narrative acquisition plan.)</p>	<p>FAR Part 7 CAR Part 7 CAM Part 7, Chapter 1</p> <p>FAR 4.803(a)(1)</p> <p>FAR 7.105</p>
3	<p><u>Acquisition Request</u></p> <p>» Acquisition Request (AR), Form CD-435 (evidences availability of funds certification)</p> <p>» Statement of Work (SOW)/Statement of Objectives (SOO)/Specifications</p>	<p>FAR 4.803(a)(1) and (2)</p> <p>FAR 10.002(a) FAR Part 11 FAR 35.005 (R&D)</p>

	<p>» Other appropriate pre-solicitation documents necessary for the acquisition, such as:</p> <ul style="list-style-type: none"> - Period of performance (including options)/desired or required delivery schedule - Government estimate of cost - Technical evaluation criteria and instructions - Schedule of deliverables and reporting requirements - Reference material(s) (if any) - Statement as to CORs' satisfaction of training requirements - List of Government-furnished property or facilities (if any) - Special terms and conditions (if any) - Recommended source list - Data for future acquisitions (if any) - Personnel security and suitability requirements 	<p>FAR 4.803(a)</p> <p>FAR 4.803(a)(9)</p>
4	<p><u>Presolicitation Special Approvals</u></p> <ul style="list-style-type: none"> » Paid Advertising » Printing » JOFOC » Brand Name Purchase Descriptions » Justification for Acceptance of Unsolicited Proposal (JAUP) » Justification for Bid Samples 	<p>FAR 4.803(a)(2)</p> <p>FAR 5.502</p> <p>FAR 8.802</p> <p>FAR 6.303-2 FAR 6.304</p> <p>FAR 6.302-1(c) FAR 11.104</p> <p>FAR 6.3 FAR 15.607(b)(2)</p> <p>FAR 14.202-4(d)</p>

	<ul style="list-style-type: none"> » Justification for Bid Descriptive Literature » Mandatory GSA FSS Waiver » Federal Prison Industries/UNICOR Waiver » National Industries for the Blind (NIB)/National Institutes for the Severely Handicapped (NISH) Waiver 	<p>FAR 14.202-5(c)</p> <p>FAR 8.404-3</p> <p>FAR 8.605(a)</p> <p>FAR 8.705-1(a)</p>
5	<p><u>Presolicitation Determinations</u></p> <ul style="list-style-type: none"> » Providing Government-Furnished Property, Facilities, Office Space/Telephone Service » Advance Payments » Use of Letter Contract » Buy American Act » Excluding Source or Sources » Justification for the use of options » Determination to exclude options in the evaluation of options » Authority for deviations from FAR, statutory requirements, or other restrictions » Determination to use one of the following contract types: <ul style="list-style-type: none"> - Fixed-price with economic price adjustment - Fixed-ceiling price with retroactive price re-determination - Firm-fixed-price, level-of-effort term - Time and materials or labor hour - Single award indefinite quantity-indefinite delivery contract. (NOTE: To avoid writing a separate determination, include rationale for a single award indefinite quantity-indefinite delivery contract in the 	<p>FAR 4.803(a)(2)</p> <p>FAR 45.302-1</p> <p>FAR 32.402(c)</p> <p>FAR 16.603-3</p> <p>FAR 25.101 FAR 25.201</p> <p>FAR 6.202(a) and (b)</p> <p>FAR 17.205(a)</p> <p>FAR 17.206(b)</p> <p>FAR 1.4 FAR 4.803(a)(23)</p> <p>FAR 16.203-3</p> <p>FAR 16.206-3(d)</p> <p>FAR 16.207-3(d)</p> <p>FAR 16.601(c)(1)</p> <p>FAR 16.504(c)</p>

	<p>written/narrative acquisition plan under Tab 2)</p> <ul style="list-style-type: none"> - Determination to exclude past performance as an evaluation factor - Determination to use FAR 52.215-2, “Audit and Records—Negotiation,” with its Alternate III in contracts with foreign contractors - Authorization to award contract or class of contracts for sanctioned European Union end products, services, construction 	<p>FAR 15.101-2(b)(1)</p> <p>FAR 15.209(b)(4)</p> <p>FAR 25.602(b)(1)</p>
6	<p><u>Wage Determinations</u></p> <p>» Service Contract Act of 1965</p> <ul style="list-style-type: none"> - Request for Wage Determination - DOL Wage Determination - Inapplicability of Service Contract Act to <i>bona fide</i> executive, administrative, or professional services (as defined in Part 541 of Title 29, <i>Code of Federal Regulations</i>) - Exemptions from Service Contract Act <p>» Davis-Bacon Act</p> <ul style="list-style-type: none"> - DOL General Wage Determination - DOL Project Wage Determination (SF-308) 	<p>FAR 22.1007 FAR 37.107</p> <p>FAR 22.1101</p> <p>FAR 22.1003-3 FAR 22.1003-4</p> <p>FAR 22.403-1 FAR 22.404-2(a) FAR 37.301</p> <p>FAR 22.404-1(a)</p> <p>FAR 22.404-1(b) FAR 22.404-3(b)</p>
7	<p><u>Socioeconomic Considerations</u></p> <p>» Review by SADBUS/Set-Aside Determination</p> <p>» Small Business Set-Aside</p> <ul style="list-style-type: none"> - Total set-aside - Partial set-aside 	<p>FAR 4.803(a)(6)</p> <p>FAR 4.803(a)(6) FAR 19.5</p> <p>FAR 19.502-2</p> <p>FAR 19.502-3</p>

	<p>» Withdrawal or modification of set-aside determination</p> <p>» Contracting with the Small Business Administration (SBA) (the 8(a) program)</p> <ul style="list-style-type: none"> - agency offering letter - SBA Acceptance <p>» Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan. Reference FAR 19.7 for current thresholds</p> <ul style="list-style-type: none"> - Request for SADBUS review of subcontracting plan - SADBUS review of and concurrence with subcontracting plan - Determination that no subcontracting opportunities exist <p>» Certificate of Competency (COC) from SBA</p>	<p>FAR 19.506</p> <p>FAR 19.8</p> <p>FAR 19.804-2</p> <p>FAR 19.804-3</p> <p>FAR 19.7</p> <p>FAR 19.705-4(d)(6) FAR 19.705-5(a)(3)</p> <p>FAR 19.705-4(d)(6) FAR 19.705-5(a)(3)</p> <p>FAR 19.705-2(c)</p> <p>FAR 4.803(a)(15) FAR 9.105-2(a)(2) FAR 19.6</p>
8	<p><u>Contractor vs. Government Performance (OMB Circular A-76)</u></p> <p>» Current threshold is new contracts in excess of the amount specified in</p> <p>» Decision to contract out a new <i>requirement</i> may be <i>partially</i> based on the use of an action awarded under a preferential acquisition program (e.g., FPI/UNICOR, NIB/NIS, GSA/FSS, SBA 8(a) Program, Small Business Set Aside) at a fair and reasonable price/cost. Decision to continue to contract out an <i>existing</i> contracted-out activity may be based on a determination that the current contract cost-price is fair and reasonable <i>and</i> that contractor performance is satisfactory. These decisions/determinations <i>shall</i> be documented in the contract file</p>	<p>OMB Circular A-76</p> <p>FAR 7.3</p>

<p>9</p>	<p><u>Presolicitation Synopsis(es)/Notice(s)</u></p> <p>» Synopsis of proposed acquisition/contract action</p> <ul style="list-style-type: none"> - Streamlined synopsis/solicitation for commercial item/service - Exception(s) to synopsis requirement - Determination that advance notice is not appropriate or reasonable - Special Situations (e.g., advance notices for research and development (R&D), proposed establishment of Federally funded research and development centers (FFRDC), special notices (i.e., business fairs, long-range acquisition estimates, pre-bid/pre-proposal conferences, the availability of draft solicitations or draft specifications for industry review and comment, and meetings), architect-engineering (A&E) services, effort to locate commercial sources under OMB Circular A-76 procedures, and competitive SBA 8(a) Program acquisitions). - Publicizing subcontracting opportunities <p>» Presolicitation Notice</p> <p>» Paid Advertisements</p>	<p>FAR 4.803(a)(4)</p> <p>FAR 5.201</p> <p>FAR 12.603</p> <p>FAR 5.202(a)</p> <p>FAR 5.202(b)</p> <p>FAR 5.205</p> <p>FAR 5.206</p> <p>FAR 5.204 FAR 15.201(c)(5) FAR 36.211 FAR 36.213-2</p> <p>FAR 5.5</p>
<p>10</p>	<p><u>Solicitation Mailing List</u></p> <p>» List of firms or persons requesting copies of solicitation</p> <p>» List of firms or persons whose request for copies of the solicitation you denied, together with the reasons for denial</p>	<p>FAR 4.803(a)(5) FAR 14.204(b)</p>
<p>11</p>	<p><u>Solicitation Document and Review(s)</u></p> <p>» File the complete set of the solicitation, together with all enclosures and reference materials, under this Tab</p>	<p>FAR 4.803(a)(8) FAR 14.201</p>

	<p>» Copies of any and all amendments to the original solicitation</p> <p>» Review (comments) and approval of the solicitation document by appropriate review board/officials</p> <p>» Review (comments) of the solicitation document by the COR</p> <p>» Review (comments) of the solicitation document by the Office of General Counsel</p>	<p>FAR 15.203</p> <p>FAR 4.803(a)(8)</p> <p>FAR 14.208</p> <p>FAR 15.206</p>
12	<p><u>Exchanges with Industry Before Receipt of Bids or Proposals</u></p> <p>Records or documentation pertaining to exchanges with industry before receipt of bids or proposals should be filed under this tab. Examples of such exchanges include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> - Presolicitation notices - Draft solicitations - Requests for Information (RFIs) - Presolicitation conference - Pre-bid or pre-proposal conference - One-on-one meetings with potential offerors - Site visits - Vendor inquiries concerning a specific solicitation 	<p>FAR 14.207</p> <p>FAR 15.201</p>
13	<p><u>Record of Bids or Proposals</u></p> <p>» SF 1409 – Abstract of Offers (applies to sealed bids received in response to an Invitation for Bid (IFB). NOTE: Also use this for recording the receipt of proposals received in response to a Request for Proposal (RFP) for negotiated acquisitions.</p>	<p>FAR 4.803(a)(10)</p> <p>FAR 14.403(a)</p> <p>FAR 53.301-1409</p>

	<p>» OF 1419 – Abstract of Offers – Construction</p> <p>» Record(s) of late bid(s)</p> <p>» Record(s) of late proposal(s), proposal modification(s), proposal revision(s), response(s) to requests for information</p> <p>NOTE: Complete an abstract even if you received only one bid or proposal</p>	<p>FAR 14.403(a) FAR 36.701(d) FAR 53302-1419</p> <p>FAR 14.304(b)(1)</p> <p>FAR 15.208(f)</p>
14	<p><u>Unsuccessful Bids or Proposals</u></p> <p>Retain copies of unsuccessful bids or proposals. Make them part of the official contract file.</p> <p>At a minimum, maintain the following:</p> <ul style="list-style-type: none"> - Completed solicitation Sections A, B, and K (Uniform Contract Format); <i>or</i> SF 1449, Addendum B , and FAR Clause 52.212-3 (Offeror Representations and Certifications-Commercial Items) when acquiring commercial items/services - Technical and management proposals - Cost or price proposals - Any other page(s) of the solicitation that the offeror(s) altered or annotated 	<p>FAR 4.803(a)(10) FAR 4.805(b)</p> <p>FAR 4.803(a)(10)(i)</p> <p>FAR 4.803(a)(10)(ii)</p> <p>FAR 4.803(a)(10)(iii)</p> <p>FAR 4803(a)(10)(iv)</p>
15	<p><u>Successful Bid or Proposal</u></p> <p>Retain a complete copy of the successful bid (including any and all modification(s) made thereto) or proposal (including any and all modification(s) made thereto).</p> <p>As appropriate, file the following under this tab:</p> <ul style="list-style-type: none"> - Bid Guarantees - Performance and Payment Bonds (received by the 	<p>FAR 4.803(a)(10) and (11) FAR 4.805(b)</p> <p>FAR 15.001 FAR 15.307</p> <p>FAR 4.803(a)(30) FAR 28.101-1</p> <p>FAR 4.803(a)(30)</p>

	<p>Government subsequent to award, but prior to performance of work under the contract)</p> <p>- Evidence of insurance coverage (received by the Government subsequent to award, but prior to performance of work under the contract)</p>	<p>FAR 28.102 FAR 28.103</p> <p>FAR 52.228-5 FAR 52.228-8 FAR 52.237-7</p>
16	<p><u>Non-Price/Cost Factors Evaluation</u></p> <p>» Negotiated Acquisition</p> <p>As appropriate, file the following documentation under this tab:</p> <ul style="list-style-type: none"> - Evaluation plan - Evaluation Panel members - COR's and Evaluation Panel Members' Training - Conflict of Interest Certification(s) - Use of Outside Evaluators - Instructions to COR/Evaluation Panel Providing Procedures for Handling and Disclosing Proposals - Request for Evaluation (Transmittal memo) - Evaluation Report - Evaluation Rating Sheets <p>» A&E Acquisition</p> <ul style="list-style-type: none"> - Approval of A&E Pre-selection and evaluation board - A&E Pre-selection and evaluation board members' Conflict of Interest Certification(s) - Request for Evaluation by A&E Pre-Selection Committee - A&E Pre-Selection Committee Report - Request for Evaluation by A&E Evaluation Board 	<p>FAR 15.305(a) FAR 15.404-1(e)</p> <p>FAR 37.204</p> <p>FAR 36.602</p>

	<ul style="list-style-type: none"> - A&E Evaluation Board Selection Report - A&E Evaluation Board Final Selection Listing - Review/Approval of Final A&E Firm(s) by Selection Authority 	
17	<p><u>Price of Cost Analysis</u></p> <p>» Contract Specialist's <i>independent</i> price or cost analysis. Support this analysis by using one or more of the following:</p> <ul style="list-style-type: none"> - AGO Cost Analysis and Pricing Report - Field Pricing Support (DCAA) - COR's/Technical Evaluation Panel's opinion/technical analysis relative to price/cost <p>» Cost realism analysis (required for cost-reimbursement contracts in order to determine probable cost of performance for <i>each offeror</i>)</p> <p>» Buy American Act – Unreasonable Price of Domestic End Product</p>	<p>FAR 4.803(a)(19)</p> <p>FAR 14.408-2 FAR 15.404</p> <p>FAR 4.803(a)(20) FAR 15.404-1</p> <p>FAR 4.803(a)(20) FAR 15.404-2(a)</p> <p>FAR 15.404-1(e)</p> <p>FAR 15.404-1(d)</p> <p>FAR 25.105(c)</p>
18	<p><u>Competitive Range Determination</u> (unless making award without discussions)</p>	FAR 15.306(c)
19	<p><u>Exchanges with Offerors After Receipt of Proposals (if applicable)</u></p> <p>Records of/documentation pertaining to exchanges with industry after receipt of proposals should be filed under this tab. Examples of such exchanges include:</p> <ul style="list-style-type: none"> » Clarifications (when award is made <i>without</i> discussions) » Communications with offerors <i>before</i> establishment of the competitive range » Exchanges with offerors <i>after</i> establishment of the competitive range 	<p>FAR 15.306</p> <p>FAR 15.306(a)</p> <p>FAR 15.306(b)</p> <p>FAR 15.306(d)</p>
20	<p><u>Best Value Tradeoff Process Analysis (if applicable)</u></p>	FAR 15.101-1

<p>21</p>	<p><u>Certificate of Current Cost or Pricing Data</u></p> <p>» Fully executed/signed Certificate of Current Cost of Pricing Data. Reference FAR 15.403 for current threshold</p> <p>» Documentation in support of exception(s) to, or waiver from, requirement for submission of Certificate of Current Cost or Pricing Data</p>	<p>FAR 4.803(a)(17)\ FAR 15.406-2</p> <p>FAR 15.403-4(a)(1) FAR 15.406-2</p> <p>FAR 15.403-1(b) FAR 15.403-1(c) FAR 15.403-1(c)(4)</p>
<p>22</p>	<p><u>Preaward Equal Employment Opportunity (EEO) Clearance (if applicable)</u></p> <p>» Request to appropriate regional DOL office for <u>non-construction</u> contracts and subcontracts at or above the current threshold.* This also includes modifications to contracts if the modification is at or above the current threshold* <u>or</u> a modification which will increase the aggregate value of a existing contract at or above the current threshold.*</p> <p>» Request to appropriate regional DOL office for <u>construction</u> contracts and subcontracts at or above the current threshold.* This also includes modifications to contracts if the modification is at or above the current threshold* <u>or</u> a modification which will increase the aggregate value of a existing contract at or above the current threshold.*</p> <p>*Reference FAR 22.804-2 and 22.805(a) for current thresholds</p> <p>» DOL EEO clearance/approval</p>	<p>FAR 4.803(a)(16) FAR 22.805</p> <p>FAR 22.805(a)(1) and (2)</p> <p>FAR 22.804-2(b)</p>
<p>23</p>	<p><u>Disclosure of Lobbying Activities</u></p> <p>» Preaward disclosure of lobbying activities</p> <p>» Original disclosure form (OMB Standard Form LLL, “Disclosure of Lobbying Activities”) submitted by the successful offeror</p>	<p>FAR 3.803(a) FAR 3.804 FAR 52.203-11 FAR 52.203-12</p>
<p>24</p>	<p><u>Responsibility Documentation (if applicable)</u></p> <p>» Contracting Officer’s Determination of</p>	<p>FAR 4.803(a)(12) and (14)</p> <p>FAR 9.105-2(a) and (b)</p>

	<p>Nonresponsibility</p> <p>» Preaward Survey Report</p> <p>» Determination – Mistake before award</p> <p>» Sealed Bids – documentation of award, responsibility determination, reasonableness of price, fewer than three bids, equal low bids drawing</p>	<p>FAR 4.803(a)(12) FAR 9.105-2(b) FAR 9.106-4</p> <p>FAR 14.407-3</p> <p>FAR 14.408-1 FAR 14.408-2 FAR 14.408-7 FAR 14.408-6(b)</p>
25	<p><u>Summary of Award/Negotiation Memorandum</u></p> <p>» Summary of Award (without discussion)</p> <p>» Summary of Award (with discussions/negotiations; therefore, a negotiation memorandum is required by FAR 15.406-3)</p>	<p>FAR 4.803(a)(14) FAR 9.105-2(a) and (b)</p> <p>FAR 4.803(a)(14) FAR 4.803(a)(21) FAR 9.105-2(a) and (b) FAR 15.406-3</p>
26	<p><u>Source Selection Decision</u></p> <p>» Source selection decision when Contracting Officer is the Source Selection Authority</p> <p>» Formal source selection procedures (FSSP) documentation or decision not to use FSSP</p>	<p>FAR 4.803(a)(13)</p> <p>FAR 15.303(a) FAR 15.308</p> <p>FAR 15.303(a) FAR 15.308</p>
27	<p><u>Preaward Review and Approval</u></p> <p>» Review and approval of contracts</p> <p>» Review and approval of contract modifications</p> <p>» Review of contracts and modifications by the Office of General Counsel</p>	<p>FAR 4.803(a)(24)</p>
28	<p><u>Notice to Unsuccessful Bidders/Offerors</u></p> <p>» Pre-award notices</p> <p>- Pre-award notices of exclusion from competitive range</p> <p>- Pre-award notice for small business set-asides</p>	<p>FAR 4.803(a)(28) FAR 14.409 FAR 15.503</p> <p>FAR 15.503(a)(1)</p> <p>FAR 15.503(a)(3)</p>

	» Post-award notices	FAR 14.409-1 FAR 15.503(b)
29	<p><u>Award Synopsis/Notice of Award</u></p> <p>» FedBizOpps Synopsis</p> <p>» Public announcements</p> <p>» Notice of Award – Construction</p> <p>» Miscellaneous Award Information</p> <p>- Office of Legislative and Constituent Affairs/Congressional Relations Staff – Basic contract awards (exclusive of options), contract modifications/delivery orders exceeding the threshold stated in FAR 5.303</p> <p>- Notice to Senior Staff – Contracts awarded as determined by the Director, AGO</p>	<p>FAR 4.803(a)(27)</p> <p>FAR 5.301(a) FAR 5.302</p> <p>FAR 5.303(a)</p> <p>FAR 36.213-4</p> <p>FAR 5.303(a)</p>
30	<p><u>Designation of COR</u></p> <p>» Copies of appointment memoranda to COR and signed acknowledgement of receipt of appointment memoranda</p> <p>» Copy of letter to successful offeror advising of responsibilities and limitations of Government personnel</p> <p>» Notice of Award – Construction</p>	<p>FAR 36.213-4</p>
31	<p><u>Miscellaneous Correspondence</u></p> <p>» Any miscellaneous correspondence not applicable under other tabs</p> <p>» Pre-award Protest(s) documentation</p> <p>- Contracting Officer/Agency Protest</p> <p>- Protest to General Accounting Office (GAO)</p>	<p>FAR 33.1</p> <p>FAR 33.103</p> <p>FAR 33.104</p>
32	<p><u>Pre-award/Post-award Debriefing(s)</u></p> <p>» Summary of any pre-award debriefing(s) together with all memos, letters, and other documentation related to the debriefing(s)</p>	<p>FAR 4.803(a)(28)</p> <p>FAR 15.505 FAR 36.607(b)</p>

	» Summary of any post-award debriefing(s) together with all memos, letters, and other documentation related to the debriefing(s)	FAR 15.506
33	<p><u>Contract File Folder Cross-Reference Index</u></p> <p>This tab shall contain a contract file folder cross-reference index when more than one contract file folder is used</p>	FAR 4.803(a)(39)

ARRANGEMENT OF CONTRACT FILES

PART II

CONTRACT AND CONTRACT MODIFICATION DOCUMENTS

(PLACE THIS DOCUMENTATION ON THE INSIDE OF THE FOLDER'S RIGHT-HAND SIDE. IF YOU USE A SEPARATE FOLDER FOR THIS DOCUMENTATION, PLACE FILE TAB A ON THE LEFT-HAND SIDE, AND TABS B AND C ON THE RIGHT-HAND SIDE)

- TAB A: Contract Summary Sheet (see attached sample) and backup documentation (separately tabbed and numbered, e.g., Mod. #1, Mod. #2, Mod. #3, etc)
- TAB B: Contract Modifications (separately tabbed and numbered, e.g., Mod. #1, Mod. #2, Mod. #3, etc.)
- TAB C: Original Signed Basic Contract Document

NOTE: The Original Signed Basic Contract Document is filed on the bottom with each sequentially numbered modification, separately tabbed and numbered, on top. Thus, the most recent modification is on top.

You may place Part II/contract modification support documentation in a separate file folder(s) and cross-reference it if it is voluminous.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONTRACT SUMMARY SHEET

CONTRACTOR _____ CONTRACT NUMBER _____

Name, Title, Telephone Number of Contractor's Representative

Basic Award/ Modification Number	Purpose	Period of Performance	Date Executed	Amount of Action	Cumulative Contract Amount

ARRANGEMENT OF CONTRACT FILES

PART III

CONTRACT ADMINISTRATION DOCUMENTATION

(NOTE: If voluminous, this Part III may be placed in separate file folders and cross-referenced.)

Contract Administration

I. Overview

Contract administration is an essential function in the acquisition process. It is to be performed jointly by the COR and the contract specialist/CO. After the contract is signed, the mutual obligations of the Government and the contractor are established by, and limited to, the written stipulations in the contract. The CO is the only person authorized to make changes in the contract. Although the COR is normally designated as the CO's Technical Representative, the legal responsibility for the contract remains with the CO.

II. Contract Monitoring

A. These are examples of monitoring functions performed during contract administration:

1. **Receive and review copies of all correspondence between the Protective Security Suitability Program Officer and contractor** (Crime Control Act of 1990 (P.L. 101-647))

Receive and review all copies of suitability determinations and recommendations for removal from duty from the Personnel Security and Suitability Program Officer (CFR 731)

2. **Post-award disclosure of lobbying activities** (FAR 3.803 and 52.203-12(c)(2)).

Any contractor that requests or receives a Federal contract exceeding \$100,000 must submit the certification and disclosures required at solicitation provision 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, with its offer. After contract award, the successful contractor must comply with clause 52.203-12, Limitation on Payments to Influence Certain Federal Transactions. Subparagraph (c)(2) of the clause requires that the contractor file a disclosure form at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any disclosure form (OMB Standard Form LLL) previously filed. Also, see FAR 3.803(b)(1), (2) and (3) and FAR 52.203-12(c)(2) concerning the accuracy of the information reported.

3. **Conduct post-award/preconstruction conferences** (FAR 42.503 and FAR 36.212).
4. **Prepare post-award/preconstruction conference reports** (FAR 42.503-3).
5. **Issuance of post-award letters** (FAR 42.504).
6. **Process post-award protests** (FAR 33.1).
7. **Receive and Review COR's Quarterly Report and Contractor Performance Evaluations** (FAR 42.1502)
8. **Receive and Review COR's written approval/disapproval of contract**

deliverables and completion of tasks or phases. Take appropriate action.

9. **Process disputes under the “Disputes” clause and any resultant appeal** (FAR 33.2).
10. **Process contractor’s request for advance payments** (FAR 32.4).
11. **Process contractor’s request for progress payments** (FAR 32.5).
12. **Process contractor’s request for assignment under the Assignment of Claims Act** (FAR 32.8).
13. **Review and approve/disapprove contractor invoices** (FAR 32.9).
14. **Issue show cause/cure notices** (FAR 49.4).
15. **Process cost overruns** (FAR 32.704).
16. **Issue/process contract modifications** (FAR 43).
17. **Issue/process change orders** (FAR 43.2)
18. **Process and execute novation and change of name agreements** (FAR 42.12)
19. **Coordinate property administration** (FAR 45).
20. **Exercise options** (FAR 17.2).
21. **Process Freedom of Information Act (FOIA) requests** (FAR 24.2).
22. **Review and process Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan reports** (FAR 19.17)
23. **Process incremental funding** (FAR 32.7).
24. **Provide notice to the contractor concerning availability of funds** (FAR 32.703-2)
25. **Authorize contractor use of Government supply sources** (FAR 51).
26. **Provide consent to subcontract** (FAR 44.2)
27. **Notification of successful completion of first article testing (accept/reject/conditional)** (FAR 9.3)
28. **Acceptance testing** (FR 46.5).

29. **Termination for convenience/default** (FAR 49).
30. **Design changes (A&E)** (FAR 36.609)
31. **Redesign (A&E)** (FAR 36.609)
32. **Performance evaluation reports (Construction)** (FAR 36.201)
33. **Performance evaluation reports (A&E)** (FAR 36.606)
34. **Value engineering proposals** (FAR 48.1)

- B. You must perform the contract monitoring functions listed above and any others that are applicable to your particular Contract. You may need to establish a “suspense” file as a reminder that a progress report is due or that a small business/small disadvantaged business subcontracting plan is due. Look at your contract, especially the deliverables and their due dates. It is suggested that Section F of solicitations/contracts provide a comprehensive list of all deliverables (including administrative reporting requirements) and due dates to assist in the administration of contracts. Knowing when a deliverable or report is due will help you administer the contract and make sure that all contract requirements are met.

III. Establishing Contract Administration Files

- A. No two acquisitions are alike. Base the amount of administration and monitoring on such things as type of contract (reference FAR Part 16), commodity or service being acquired.
- B. Small dollar value contracts of short duration may require only one file. You may wish to separate the sections to include file invoices, project officer reports, acceptance reports, or financial reports. In larger dollar value contracts of longer duration, you may need several files.
- C. If you need extra/separate file folders, make *sure* that you mark the file folders with the contract number, Contractor’s name, and file folder number. Enter this information onto the contract file folder cross-reference Index.

PART 5

PUBLICIZING CONTRACTING ACTIONS

5.1 Dissemination of Information

Who CS (with input from COR)

What Provides guidance on disseminating information on planned acquisitions and awards

When Throughout the acquisition process

Discussion:

- (a) *Preparation of Notice.* The CS is responsible for preparing the synopsis based on input from the COR and/or IPT. The synopsis shall be reviewed for clarity and accuracy by the CO prior to submission to FedBizOps.
- (b) *Market Research.* The CS can assist in the conduct of market research by drafting a synopsis designed to gather information on the availability of supplies or services in the marketplace that will meet the needs of the Government. Language needs to be included in the synopsis that makes it clear that the intent of the synopsis is market research and that no solicitation of offers is made by the synopsis or that a formal solicitation of offers will be released in the future.
- (c) *Acquisitions >\$10,000 but <\$25,000.* These acquisitions are required to be displayed on the AGO website at <http://www.ofa.noaa.gov/~amd>. All documents shall be posted as .pdf files.
- (d) *Availability of Solicitations.* GSA's FedBizOps website shall be used for posting announcements of solicitation availability and solicitations.

When utilizing the streamlining process of using a combined solicitation/synopsis as permitted in FAR 12.603, no hard copies of the solicitation are to be made available to any requestor. The intent of this tool is to eliminate the mailing of copies of solicitations and, as a result, to shorten the acquisition processing time by enabling offers to be received without the delays inherent with mailing of solicitations to potential offerors.

- (e) *Announcement of Contract Awards.* Base the \$3 million threshold for Announcing contract awards on the amount of the contract inclusive of options and/or the estimated total quantity for a requirements contract and/or the guaranteed minimum quantity for an indefinite quantity contract. Try to make the award before 4:00 p.m. This allows you to provide information to the Office of Legislative Affairs (OLA) by 4:00 p.m. (ES/DT) on the date of award. If you can't make an award by 4:00 p.m. (ES/DT), send the information to OLA so that it will arrive by 9:00 a.m. (ES/DT) the next morning. Do not provide any information to OLA before making the award.
- (f) *Documentation to provide to OLA.* Submit the face page of the award document to OLA. Include the contractor's name and address; contract number/modification number; description of the supplies/services; and other pertinent information such as information on a direct congressional inquiry regarding that acquisition, an award based on an interagency agreement where funds were received from another agency, or other information specification requested by OLA. Prepare a separate sheet giving the requested information and attach it to the face page of the contract. Fax the information

to: _____ *(to be determined)*

(g) *Reporting Contract Awards to Agency Senior Staff.* Report contracts awarded using formal source selection procedures and any other sensitive requirements identified by AGO management, to NOAA's senior staff. Prepare an e-mail memorandum, for transmission by the Director, AGO to the NOAA senior staff mailing list within 24 hours following award. Include the following information in the memorandum:

- Award date;
- Contract type;
- Contractor's name;
- Contract title;
- Performance period, including options;
- Total estimated contract value, including options; and
- A brief description of the work. Make this description detailed enough so that the reader will understand the purpose of the contract.

(h) *White House Report Requirements.* AGO management will identify acquisitions that should be included in the White House Report. Each narrative must have a title, in bold and underlined above the narrative. Prepare the report using the Times Roman font in 12 pitch. Forward the report to the Director, AGO, no later than 10:00 a.m. on the Thursday following award. Prepare a short narrative containing the following information for submission to the Director, AGO:

- Contractor's name and address;
- Contract number/modification number;
- Contract dollar value;
- Brief description of the supplies/services;
- Identification of the strategic plan goal/program supported by the contract; and other pertinent information.

References: FAR Subpart 5; CAR Subpart 5

5.2 Release of Information

Who Acquisition personnel (with input from COR)

What Guidance on responding to inquiries from members of Congress, State and Local Government Legislative Officials and Auditors

When Throughout the life of the acquisition

Discussion:

(a) *Requests from Members of Congress.* Upon their request, give detailed information regarding any particular contract to Members of Congress. If you do this, complete the attached Report of Direct Contact, and send it to AGO's Executive Officer (EO) in the Office of the Director.

If you receive a request from a Member of Congress for information on a contract and you feel that providing such information would result in disclosure of agency sensitive information, business confidential information, or information prejudicial to competitive acquisition, prepare a proposed reply and forward it through the EO to the DUS. Use the attached Report of Direct Contact (Exhibit 1 to this Part). Do not release any information until you receive the EO's approval. Notify OLA of all congressional inquiries.

- (b) Requests from State and Local Government Legislative Officials. Upon their request, you may release certain contract information to State and Local Government Legislative officials. Only release information that you can release to the general public in accordance with FAR 5.402. If you do this, complete the attached Report of Direct Contact and send it to the EO.

If you receive a request from a State or Local Government Legislative official for information on a contract and you feel that providing such information would result in disclosure of agency sensitive information, business confidential information, or information prejudicial to competitive acquisition, prepare a proposed reply and forward it through the EO to the Director, AGO. Use the attached Report of Direct Contact. Do not release any information until you receive the EO's approval.

(c) *Reporting Agency Audit Requests and Release of Material to Auditors.*

- (1) **OIG.** If OIG requests to audit a contract file, complete the attached Report of Direct Contact and forward it through the EO to the Director, AGO. Release the file as requested and advise that this action has been taken in the Report of Direct Contact. Upon the request of OIG, you may release other contract information not related to an audit. If you do this, complete the attached Report of Direct Contact and send it to the EO.
- (2) **Outside agencies.** If another government agency, such as the General Accounting Office requests to conduct an audit on an NOAA contract file, or requests the release of material related to an audit, complete the attached Report of Direct Contact and forward it through the EO to the Director, AGO. Do not release any information until you receive the EO's approval.

References: FAR Subpart 5; CAR Subpart 5

5.3 Reporting the Status of Acquisitions, Disputes, Claims and Pending Protests to the AGO

Who Acquisition personnel

What Guidance on keeping the SBPO informed of significant events

When Throughout the acquisition process and contract life

Discussion:

- (a) *Reports on In-Process Acquisitions.* AGO managers may periodically request a report on acquisitions they consider to be significant. The Information Management Team generates these reports using the data contained in C-Stars and in Acquisition Planning

documents. For this reason, it is essential the information in all Acquisition Planning Documents (APD) is kept up-to-date and that C-Stars is utilized.

Contracting Officers are responsible for submitting notification (including a copy of the dispute, claim and/or protest) upon receipt of a protest under any acquisition/contract to the Director, AGO. Until resolved, a monthly update of the status shall be provided to the Director, AGO. Initial notification is to be provided within 24 hours of receipt; updates are due by the 5th of the month for the preceding month (e.g., by June 5 for the May report).

The status of these major/sensitive acquisitions is combined with the AGO protest control log and reported to NOAA senior staff each month.

- (b) *Notice of Critical Development (post-award)*. When a significant development occurs (i.e., protest activity, a major system fails to meet the acceptance testing, failure to perform or perform acceptably, potential termination activities, equal employment opportunity issues, or Union concerns) in connection with a particular acquisition or contract, notify the Director, AGO, immediately. Prepare a report as soon as a significant development becomes known. Forward the report by e-mail, through the HCO to the Director, AGO. Monthly updates of the status of the reported issue shall be provided by the 5th of the month for the preceding month.

Use the following format for the Notice of Critical Development:

- Contract/Solicitation/Acquisition Request Number
- Description of Services/Supplies
- Contracting Officer and Contract Specialist
- Discussion of problem/issue (concisely define the problem and its potential impact on the Agency)
- Planned resolution (explain how you plan to deal with the problem, if that decision has been made. If it is undecided at the time, discuss the possibilities being considered.)
- Interested parties (i.e., members of Congress, media, Contractor, subcontractors, etc.)
- Current status

References: FAR Subpart 5; CAR Subpart 5

5.4 Paid Advertisements

Who Acquisition Personnel and those with delegated procurement authority

What Guidance on acquisitions for paid advertisements

When At inception of acquisition

Discussion: *Authority.* Acquisition personnel and those with delegated acquisition

authority (within the limits of that authority) may publish paid advertisements in newspapers, when processed in accordance with applicable regulations and policy, without prior approval. Reference this authority in your file documentation. You do not need advance written authorization to place advertisements in any other media.

References: FAR Subpart 5.5

Exhibit 1 - Report of Direct Contact

REPORT OF DIRECT CONTACT

INITIATOR:

ORGANIZATION:

TIME:

RECORD OF:

OFFICE VISIT

CONFERENCE

PHONE CALL

LOCATION:

TITLE OF AUDIT (IF APPLICABLE):

SUBJECT/PURPOSE:

PARTICIPANTS:

PERSON CONTACTED:

ORGANIZATION:

PHONE NO.:

SUMMARY OF DISCUSSION AND/OR MATERIAL RELEASED:

ACTION TAKEN OR REQUIRED (USE REVERSE IF NECESSARY):

PERSON CONTACTED (SIGNATURE):

DATE:

PART 6

COMPETITION REQUIREMENTS

6.1 Acquisitions Utilizing Other Than Full and Open Competition

Who Acquisition Personnel with input and documentation from COR/PC/IPT

What Provides guidance on preparation and approval of acquisitions utilizing other than full and open competition

When Acquisition planning and development phase

Discussion:

- (a) *Preparation.* The Justification for Other than Full and Open Competition (JOFOC) is initially prepared by the COR following discussions in the Planning phase with the CS. Every JOFOC must be based on factual information, not opinion or unverified statements. It is insufficient to state that a specific source is the sole source capable of providing the required product or service without providing a discussion of factual information on which the conclusion is based. For example, there should be evidence of market research to support determinations that only one source exists. Most JOFOCs will require the posting of a sources sought synopsis in FedBizOps for a minimum of 45 days and a consideration of any responses to that announcement to determine the validity of the other than full and open competition acquisition before discussions can be held with the proposed source.
- (b) *Approval of the Justification.* Every acquisition proposed to be solicited on other than a full and open competition basis that exceeds \$2,500 must provide a JOFOC. If the value is less than \$100,000 the JOFOC may be included on the CD-435 or be an attachment to the CD-435. For all acquisitions valued at or above \$100,000, Form CD-492, Justification for Other Than Full and Open Competition, must be completed and approved as indicated on the form (see below). All acquisitions valued at more than \$25,000 require the concurrence of the appropriate SES/Flag Officer level official as delegated by the LO AA/DAA or SO Director. This approval authority conveys to any individual in an “acting” capacity in a position with this delegated authority. Approval authorities:

<i>Acquisitions</i>	<i>Approval</i>
>\$2,500 <\$500,000.	Must be approved by the CO.
>\$500,000 <\$10,000,000	Must be approved by the Contracting Activity Competition Advocate who is the SBPO.
>\$10,000,000 <\$50,000,000.	Must be approved by the HCA or HCAD.
<i>Acquisitions</i> >\$50,000,000.	Must be approved by the DOC <u>Competition</u> Advocate and the DOC Procurement Executive.

The following concurrences are necessary for JOFOCs:

OGC CLD	All JOFOCs \geq \$100,000
Contract Review Board (CRB)	All JOFOCs \geq \$250,000
Contracting Officer	All JOFOCs \geq \$500,000
Contracting Activity Competition Advocate	All JOFOCs \geq \$50,000,000

References: FAR Subpart 6; CAR Subpart 6; DAO 208-2

PART 7

ACQUISITION PLANNING

7.1 Acquisition Plans

(a) Definitions

“Acquisition Narrative” means AGO’s version of the written acquisition plan described in FAR 7.105.

“Advance Acquisition Plan (AAP)” means an individual line item in an Agency component’s fiscal year budget, representing either a single, large projected acquisition (Large Plan) or an aggregate grouping of various small projected acquisitions (Small Plan).

“Advanced Discussion” means a discussion between the CS and the COR before the receipt of the actual acquisition or purchase request (PR) in order to make plans and develop acquisition strategy in advance.

“Component Acquisition Plan (CAP)” means the consolidated list of a LO/SO’s projected AAPs for a particular fiscal year.

“Deficient Purchase Request” or “Deficient PR” (also referred to as “deficient acquisition request (AR)”) means any requisition received by a NOAA AD (whether in Headquarters or in an Administrative Support Center) from a component that is not identified with an AAP line item number or in any way does not adhere to Agency acquisition procedures/requirements.

“Large Plan” means a single, planned acquisition estimated to (1) exceed \$100,000, or (2) be at or below \$100,000 that will result in an initial contract award to be conducted pursuant to FAR Part 12, 14, or 15 or a modification to exercise an option to a contract.

“Milestone Plan” (MP) means a schedule of planned target dates for key milestones to be met during the acquisition. The MP is initiated and formalized by the CS, is concurred in by the COR and approved by the HCO.

“AGO Annual Planning Instructions” means the set of instructions issued by AGO each year to all other NOAA components on how and when to submit information on their projected acquisitions for the upcoming fiscal year. It helps prepare AGO for the acquisition workload. It is available on AGO’s web page under “Acquisition Planning” or <http://www.ofa.noaa.gov/~amd> [currently under development]

“Procurement Request/purchase request (PR)” means the formal, funded request by an

Agency component to acquire a particular item/service(s) from outside, commercial sources. The PR contains the item specifications, statement of objective (SOO), or statement of work (SOW) and availability of funds certification. It also contains any required clearances, justifications, and other pertinent information about the item/services to be acquired. A somewhat outdated term, it has been used interchangeably with “acquisition request” (AR), the favored term. The CD-435 is the currently used paper form of requisitioning document.

“Small Plan” means a component’s plan representing an aggregate group of acquisitions each anticipated to be \$100,000 or less. Submitted quarterly, it includes all acquisitions, each anticipated, for a designated quarter, to fall within this threshold, except for new contract awards or modifications to exercise an option to a NOAA-awarded contract.

“TAA” or “Type of Acquisition Action” means the AGO-established number or code representing the standard framework within which a particular acquisition can be planned, scheduled, and tracked. The appropriate AD assigns a specific TAA code to each planned and actual acquisition and, as a result, has established a variety of TAAs to accommodate the wide range of acquisition types AD’s may encounter. Each TAA includes both the activities (milestones) that are performed during the acquisition process and the total number of calendar days to complete the acquisition (the TAA code reflects the complexity of the acquisition, which itself depends on the dollar value and acquisition method of the requirement).

(b) Policy

Who Acquisition Personnel

What Provides policy on responsibility for advance acquisition planning

When 2nd quarter each Fiscal Year

Discussion:

- (1) *Administrative Support Center/National Data Buoy Center Acquisition Planning.* The ADs in the Administrative Support Centers (ASCs) and at the National Data Buoy Center (NDBC) are required to follow the acquisition planning procedures prescribed in this subpart.
- (2) The AGO will provide for advance acquisition planning every fiscal year at the Agency level in order to manage and meet the acquisition workload.
- (3) All ADs, whether in Headquarters, the ASCs, or at the NDBC, will provide acquisition planning for each individual, projected acquisition.

References: FAR Subpart 7.1;

(c) General Procedures

Who Line Offices/Staff Offices; Acquisition Offices

What Provides procedures for assembling annual Component Acquisition Plan (CAP)

When 2nd and 3rd Quarter for initial assembly; throughout FY for updates

Discussion:

- (1) Each year, each major office-level component (Line or Staff Office) is responsible for submitting its advance CAP. With the CAP information from all agency components, AGO will be better able to project and manage the acquisition workload for the upcoming fiscal year.
- (2) In its CAP, each of these components will identify each AAP with an AAP line item number, which generally corresponds to an expense line item in the component's budget.
- (3) Each CAP will provide basic information on each AAP line item in terms of estimated amount and project title. It will also identify the designated COR name and phone number for AAPs. From this information, an HCO will assign specific Large Plans to an appropriate CS to initiate individual acquisition planning for that AAP.
- (4) Components may update (add, delete, or revise) their AAPs as necessary throughout the fiscal year, in accordance with the AGO annual planning instructions. For instance, per the Instructions, they may submit to AGO new, individual AAPs as they arise.
- (5) For more detailed information on advance agency acquisition planning, see the AGO Annual Planning Instructions (addressed to non-AGO components).
- (6) *Processing of CAPs/AAPs.* (i) The Agency Acquisition Planning Coordinator (AAPC), who is part of the AGO Director's staff, will act as the focal point in AGO for receiving, disseminating, and overall coordinating and managing of the CAP/AAP information.
- (7) *Assignment of AAPs.* The AAPC will receive the components' CAPs during specific times in the year, as well as individual AAPs as they are submitted by components throughout the year. The AAPC will then assign the Small and Large Plans to the appropriate HCO, depending on the item/service(s) to be acquired and the specific customer. Each HCO will then assign each Large Plan to an appropriate Contract Specialist for individual planning activities.

Reference:

(d) Individual Acquisition Planning—Preliminary Activities

Who COR and CS

What Provides procedures for developing & updating plan for an individual acquisition

When 2nd and 3rd Quarter for CAP; throughout the FY for updates

Discussion:

- (1) *COR Role.* Components should begin acquisition planning as soon as they identify a need that must be satisfied by the acquisition process. Especially for large/complex,

projected acquisitions (generally Large Plans resulting in new contracts), the cognizant COR should obtain HCO/acquisition staff guidance early in the initial planning stages. In providing guidance, the HCO/acquisition staff should emphasize market research for commercial sources and competition requirements, as well as any pre-acquisition clearance requirements. As the acquisition progresses, the COR must coordinate with the assigned CS to work out the details of the acquisition plan if required. The COR should include the NOAA Property Management Officer and/or the LO/SO Property Manager in the planning process for purchases or leases of major (>\$200,000) systems.

- (2) *CS Role.* As soon as possible after being assigned an AAP, contact the designated COR to obtain or confirm basic information as to the general description of the requirement, dollar value and type of acquisition action (TAA).

The following planning actions or documents are required for each assigned Large Plan expected to result in a new contract:

- Advance Discussions
- Milestone Plan
- Written Acquisition Plan (Acquisition Narrative)

For delivery orders or modifications to existing contracts, the responsible HCO may choose to require these actions or documents, either at large or on a case-by-case basis.

The CS must prepare an MP for simplified acquisitions awarded under FAR Subpart 13.5, Test Program for Certain Commercial Items. The responsible HCO, either on a case-by-case basis or through a uniform ruling, may require advance discussion and a written acquisition plan for such awards.

initiate and complete the planning actions/documents required as soon as possible. CS's do not have to wait for their HCO to formally assign an acquisition to them. Early involvement of a contract specialist will help the COR submit a timely PR that has all the required information, including clearances and justifications.

- (3) *Advance Discussion.* The purpose of the advance discussion is to enable the COR to plan effectively to accomplish an acquisition during a specified timeframe by identifying and resolving potential problem areas early in the acquisition process.

The CS should discuss important aspects of the acquisition planning process, with the COR such as:

- Market research (with emphasis on the preference for commercial items/services) and competition requirements;
- The work statement/statement of objectives/specifications and appropriate evaluation criteria;

- Scheduling;
- Responsibilities;
- Special project clearances and approvals, including programmatic and physical security clearances;
- Buy-Green requirements;
- Accessibility concerns (such as Section 508) compliance);
- Maintenance and supplies on major equipment acquisitions; and
- Impact on office space and environment.

The CS and COR should attempt to identify any potential problems during this advance discussion. Draft an MP to come up with a targeted award date and track the overall acquisition in progress. Also, discuss/draft an Acquisition Planning Checklist for the acquisition.

- (4) *Acquisition Planning Checklist.* An Acquisition Planning Checklist (“the Checklist,” see Exhibit 1 of this Part) is a helpful tool in the planning process. During the advanced discussion, the Checklist should be reviewed by the COR and the CS in order to identify the reviews/approvals needed for the proposed acquisition. The MP should be developed on the basis of this discussion.
- (5) *Written Acquisition Plan (Acquisition Narrative).* The CS should work with the COR to develop an Acquisition Narrative.
- (6) *MP.* The MP is a tool utilized by AGO and NOAA management to keep track of the acquisition process and provide for a timely award. It assesses whether the prescribed milestones in processing a particular PR/acquisition are being met on time and, in the final analysis, whether the award itself is on time. It does this by comparing the milestone accomplishment dates in the “Actual” column with the planned dates included in the “Org Date” (i.e., the originally planned date) column. The following provides supplemental procedural guidance and policy on the MP:

Factors in Determining the Milestone/Award Dates in the MP. The most influential factors include the projected arrival date of the PR, the desired or required award date, and the TAA code or number. In addition, consider the individual workload of the COR and the CS when establishing milestone dates in the MP.

TAA Code or Number. Combined with the expected PR arrival or start date, the TAA code or number in the MP module will determine the award due date for each PR.

Each TAA code is based on two factors, the type of acquisition procedure that will be used and the estimated dollar value of the acquisition. Examples of types of acquisition procedure include: a new requirement to be awarded under commercial item acquisition procedures under FAR Part 12; a new requirement to be awarded against a Federal Supply Schedule; and a modification to an existing contract. A comprehensive listing all TAA codes is found at Exhibit 2 of this Part.

Every PR, regardless of dollar value, must have an MP associated with it. Generally,

for smaller dollar value actions, there is no requirement to set up an MP; for these, the CO must create the MP and assign the TAA number/code. Be sure to assign the appropriate TAA number for any MP that must be created. NOTE: The instructions below on MP concurrence/approvals, renegotiating the MP and editing/updating/annotating the MP apply only to those MPs which are required MPs.

The TAA number for a particular PR may change during the acquisition process as necessary, as approved by the HCO. Reasons for changing the TAA may include reassignment of the PR or re-negotiation of the MP.

Obtaining MP Concurrence and Approval. After drafting the MP, but before setting the baseline, the CS should route the MP to the COR for concurrence. Once the CS receives the COR’s concurrence, the CS shall route it to the appropriate approving official, as shown below:

<u>Value of Contract Action</u>	<u>Approval Official</u>
\$100,000 or less	Team Leader
\$100,001 through \$2,500,000	HCO
\$2,500,001 and above	Director, AGO

(7) Renegotiating the MP. Renegotiating an MP means changing its originally planned milestone dates (the dates in the “Org Dates” column).

If an advance MP has been established, you may find that you need to re-negotiate it, either before or after the PR arrives. Most likely, the PR arrived either earlier or later than originally planned, or the TAA code needs to be changed because of a change in acquisition strategy/estimated dollar value. If the MP must be renegotiated, this should be done by the CS (with the concurrence of the COR) before setting the baseline.

Late PRs. If an advance MP has been established, and the PR for it arrives in the AD after the originally planned PR-to-acquisition milestone in the MP, a new MP must be negotiated. Specifically, the CS must:

- Make sure the PR-to-acquisition milestone date in the “Revised Dates” column reflects the actual PR receipt date;
- Recalculate all the other milestone dates, resulting in a new projected award date;
- Obtain COR concurrence and approval official approval; and
- Set the baseline, which firmly establishes the dates by which the PR will be tracked for timeliness.

“Too Early” PRs. If the PR comes in before the originally planned due date, the CS should not return it. For PRs that come in substantially early (such as a month or more), the HCO should re-establish (or have the cognizant CS re-establish) the

appropriate “Start Date,” based on workload and the actual desired award date.

Whenever the MP is re-negotiated (for whatever reason), concurrence of the COR and the appropriate approving official is required.

- (8) *Editing/Updating/Annotating the MP.* After setting the MP baseline, the CS is required to edit and update/annotate the MP to reflect the progress of the acquisition. The CS must insert the actual accomplishment date (in the “Act Dates” column) as they occur. If there are any delays in reaching a particular milestone, the CS must annotate the MP to indicate the reason(s) for delay, any remedial plans of action, and/or revised, target accomplishment dates. MPs will be monitored by HCOs and the Director, AGO, and utilized for tracking AGO performance against annual goals

References:

- (e) Initiating the PR (Submitting the PR)

Who COR and CS

What Provides guidance on the preparation and submittal of PRs

When In accordance with AAP for the instant acquisition

Discussion: *COR’s Role.* The culmination of any planned acquisition (either Large or Small Plan) is the component’s submission of the PR. Requisitioning components must formally request the cognizant AD to initiate and complete acquisition action via the PR.

The COR prepares the PR document by completing the Form CD-435 or submitting the PR electronically. The PR must contain budgetary and management approvals, along with evidence of funding. The funds certifying and approving officials are affirmatively indicating by their signature the availability of funds for the acquisition and the bona fide need for the product or service to be acquired. In addition, it should contain any necessary justifications/clearances and all appropriate supporting documentation for the specific acquisition (e.g., SOW, evaluation criteria, etc.)

For large/complex planned acquisitions (leading to contract award, for example), there will not be enough room on the PR itself for all the required information. Thus, in these cases the COR will need to submit a complete package including the PR and all other material or documents necessary for acquisition processing. These may address topics such as: purpose of contract, background/history, period of performance, estimated cost, reference material, Government property/facilities requirements, evaluation criteria, potential sources, and so forth. NAO 208-108 requires PRs and Interagency Agreements using Object Class Code series 23xx, 25xx, 26xx, or 31xx to be sent to the NOAA Personal Property Team for approval. All PRs for personal property must include the identification of the Property Custodian in Block 9 and the property contact name and phone number in block 31.

Following are specific guidelines and resources to assist the COR in developing and

submitting the acquisition request package:

- Use Microsoft WORD;
- Use Courier New 10 font;
- Do not include a Table of Contents in the SOW/SOO/Specifications unless the document exceeds 10 pages; and
- COR's Web Page, at <http://www.ofa.noaa.gov/~amd> (currently under construction). The most important part of the PR may be the description of the requirement, generally the SOW, as it will directly communicate what is to be purchased. Samples of SOWs, as well as general guidance on writing performance-based SOWs are available on this web-page.

The CS should assist the COR in preparing the CD-435 by providing direction and guidance on the clarity and acceptability of the CD-435 and supporting documents and identifying required approvals and clearances.

References:

(f) Processing of PRs in AD.

Who CS and Acquisition Office
What Processes for handling of PRs in the Acquisition Office
When Upon receipt from the COR

Discussion:

- (1) Upon receipt of the PR and any supporting documents in the servicing Acquisition Management Division, the requisition will be quickly reviewed by the HCO or Team Leader and assigned to the appropriate CS through C-Stars (this step will become unnecessary upon implementation of the CAMS C-Stars interface).
- (2) Deficient PRs. Once received in the cognizant AD, the PR may be deemed deficient at any point in time for any of a variety of reasons. The PR is deficient if it is missing required information, funding, justification, or clearance, or otherwise does not adhere to Agency acquisition planning procedures or requirements, so as to prevent the AD from completing the acquisition.

After receiving the PR, the CS may find, in the course of the acquisition, that it is deficient. For example, there is a validation error (a calculation error; a missing accounting field; missing or incorrect APP number); the PR is missing required clearances, justifications, or SOW; the SOW, purchase description, or specification is insufficient and needs to be clarified; the PR has insufficient funding and, therefore, requires additional funding for completion of the acquisition. Early and comprehensive discussions in the planning phase can reduce the likelihood of a PR being deficient upon receipt.

- (3) Generally, the COR should be given the opportunity to correct the deficiency (or deficiencies), in accordance with Division Director/team leader guidance. While

doing so, the PR may be put “on hold,” allowing it 14 days for the correction. If the deficiency is still unresolved after this period, the PR may be returned. The COR will be notified in writing (e-mail is an acceptable means) when it is being put on hold. The reason(s) and the (possible) consequence of having the PR returned if the deficiency is not resolved within the 14-day period should be included. Note any delays in the MP. A PR may be returned for being deficient. An HCO must approve canceling and returning the PR.

- (4) Late PRs. A PR submitted in connection with an MP may arrive in the appropriate AD up to 5 working days past the planned due date in the MP before it is considered late. Refer to the AGO annual Planning Instructions for policy and procedure on handling late PRs, including those that miss a fourth quarter PR receipt cutoff date.

References:

(g) Contents of Written Acquisition Plans

Who	COR and CS
What	Guidance on preparation of written acquisition plan
When	Process begins prior to submittal of the acquisition to the cognizant AD

Discussion:

- (1) The written acquisition plan is termed “acquisition narrative,” or simply “narrative.” Narratives must be prepared in accordance with the FAR Part 7, CAM Subpart 7.1, Acquisition Plans, and DAO 208-15, Procurement Planning System. At a minimum, the narrative must address the areas or points included in the CAM and FAR.

It is not sufficient to present only conclusionary statements in the narrative. The plan shall include a discussion of alternatives considered and the basis for the decision made (e.g. terminate contract for default vs. change of specification vs. cancel part of the contract & reprocure, etc). This discussion can be pulled from the market research narrative. Be sure the Plan includes a summary of all alternates considered. All conclusions or decisions must present convincing, factual documentation to support the conclusion or decision.

- (2) The narrative is a joint effort between the COR and the CS.
 - a. Specifications. Because specifications become legal requirements when they are incorporated into contracts, all requirements must be necessary and expressed in a way that will allow them to withstand contractual and legal challenges. Thus, it is essential that technical, contractual, and legal personnel provide an integrated review of specifications and statements of work that comprehensively addresses all technical, contractual, and legal concerns before a solicitation is issued, particularly for the acquisition of complex items.

Specification and statement of work reviews should ensure that these documents

incorporate only validated requirements and that requirements are clear, appropriately stated, and expressed in performance terms whenever feasible. When complex items are to be acquired, a draft solicitation, including the specifications and statement of work may be one useful method for obtaining industry comments and will also help identify issues and needed changes before the final solicitation is released

- b. Evaluation criteria. The Acquisition Plan shall include detailed technical evaluation criteria to include how trade offs are evaluated; how the technical evaluation is to be conducted and documented, and the presentation of technical performance schedule and risk.
- (3) The plan must be approved by the COR, the COR's supervisor, the CS, the CO, the HCO, DOC OGC GLD, the Director, AGO and the HCA. For acquisitions >\$10 million, the DOC Procurement Executive is required to approve the acquisition plan.
 - (4) All acquisitions (except for A/E services, unsolicited proposals, and regulated utility services available from only 1 source) valued at \$5 million or more (new acquisition or modification to an existing contract) require a written plan. For IT acquisitions which require a Delegation of Procurement Authority (DPA) from the DOC Chief Information Officer (CIO), a Capital Asset Plan and Business Case, Exhibit 300 to OMB Circular A-11 and Attachment A must be prepared. The Attachment A provides acquisition planning information and is to be prepared for all IT acquisitions over \$1 million in support of the project covered by the Exhibit 300. the Exhibit 300 and Attachment A substitute for the written narrative and must be approved at the acquisition plan thresholds in CAM Subpart 7.1.
 - (5) The acquisition team may have to brief a Departmental review board (i.e., Commerce Information Technology Review Board (CITRB) or Acquisition Review Board (ARB) prior to obtaining a DPA and/or acquisition plan approval. A briefing is required for all acquisitions over \$10 million. A briefing may be required at a lower threshold depending on the agency component's DPA.

References: FAR Subpart 7; CAM Subpart 7.1; DAO 208-15

7.2 Planning for the Purchase of Supplies in Economic Quantities

Who CO

What Procedures for offers with significant savings for purchasing economic quantities

When Following receipt of offers

Discussion:

- (a) Transmit offeror responses to the FAR solicitation provision 52.207-4 to the COR.
- (b) If a significant price variation is evident from offeror responses, and the potential for significant savings is apparent, consult with the cognizant COR

and obtain his or her written recommendation as to whether to revise the quantity required.

(c) See Part 70 of this Handbook as well.

References: FAR Subpart 7; FAR Clause 52.207-4

7.3 Contractor Versus Government Performance

NOAA is currently revising its policies related to OMB Circular A-76. Pending release of those policies, you should coordinate with the AGO point of contact on competitive sourcing, John Abbott (301-713-0325; John.J.Abbott@noaa.gov).

OMB Circular No. A-76 (Revised) and the Supplement to OMB Circular No. A-76 can be found at <http://www.whitehouse.gov/omb/circulars/index.html>.

7.4 Equipment Lease or Purchase

Who COR and CS

What Guidance on determining lease vs. purchase

When At budget formulation, acquisition planning and throughout life of contract

Discussion: When evaluating comparative cost in our lease-versus-purchase determination, consider using present value analysis. In some cases, you must use this method of evaluation. Refer to AGO's webpage (<http://www.ofa.noaa.gov/~amd> [*also include link to A-11 requirements in the lease vs. purchase considerations currently under development*]) for guidance on leases and completing required lease determination worksheets.

For any lease estimated at over \$200,000 a determination must be made whether the lease is a capital lease or an operating lease. Early in the planning phase, the COR and CS and throughout the life of the contract, the COR and CS must work together to ensure that appropriate budget authority is available and that any lease is classified appropriately.

References: OMB Circular A-11; FAR Subpart 7

Exhibits:

- 1 Acquisition Planning Clearance Checklist
- 2 Type of Acquisition Action (TAA) List

ACQUISITION PLANNING CLEARANCE CHECKLIST

Plan Number: _____ Project Name: _____

Contract Specialist _____ COR _____

We (the CS and COR) have reviewed this requirement and believe it may impact the following components, as marked below.* These components have reviewed the requirement and concurred and/or provided recommendations:

Component	Area(s) of Concern/References	Review Req'd.	Concurrence
LSO	Acquisitions which include printing requirements		
PPB	Government-furnished property		
FMD	Site Preparation – this includes acquisitions impacting NOAA space, environment, or energy. Consider acquisitions for any item(s) that create special space-related requirements such as cooling, humidification, special ventilation, special plumbing and/or dedicated electrical lines, raised flooring, and other major alterations.		
FMD	Off-site space for conferences or any other use		
ECHSSO	Purchase and/or use of hazardous or potentially hazardous materials/chemicals at NOAA; renovations or building modifications (for safety and environmental issues).		
DOC OSy	Whenever contractor personnel will need access to a NOAA facility		
LO/SO CIO	Whenever contractor personnel will need access to agency programmatic information or sensitive information systems information.		
AICIMO	OMB A-76 Cost studies		
OPCIA	Acquisitions which include publications and public affairs services		
	Acquisitions involving audio/visual		

LSO	productions, visual graphics, media and satellite communications		
LO/SO CIO	Acquisitions of information technology (IT) for purposes of compliance with Section 508 standards of the Rehabilitation Act. IT acquisitions included purchases of IT products (hardware and software) and services (such as installation, maintenance, programming, integration, networking, design and engineering, overall support); telecommunications products and services.		
LO/SO CIO	Acquisitions of modems and sniffers >\$25K.		
OCIO, SBPO	IT Acquisitions >\$2M for duplication of e-gov initiatives.		
PPB	Personal Property – Capitalized/Non-capitalized		
NMAO	Commercial Aviation Services		
NMAO	Motorboats – new, used, significant alterations/modifications		
LO/SO CIO	Acquisition of IT >\$25K		

*VARIOUS COMPONENT ACRONYMS:

OCIO – Office of the Chief Information Officer

SBPO – Senior Bureau Procurement Officer

PPB – Personal Property Branch

NMAO – NOAA Marine and Aviation Operation

ECHSSO – Environmental Compliance, Health and Safety, and Security Office

LSO – Logistics Support Office

OPCIA – Office of Public, Constituent and Intergovernmental Affairs

FMD – Facilities Management Division

DOC OSy – Department of Commerce, Office of Security

AICIMO – Audit, Internal Control and Information Management Office

Type of Acquisition Action (TAA) LIST

Code	Description	PALT*
201	Delivery Orders & Simplified Acquisition up to \$25,000	15
202	Simplified Acquisition over \$25,000 to \$100,000	30
203	Delivery or Task Orders Over \$25,000	30
204	Complex Delivery or Task Orders	60
205	Simplified Acquisition \$2,501-\$100,000 Wage Determination Required	100
206	Test Program for Commercial Items \$100,000 to \$5,000,000	120
210	Sealed Bid \$100,000 to \$500,000	94
211	Sealed Bid, \$500,000 to Indefinite	106
212	Sealed Bid, \$100,000 to \$500,000, Wage Determination – Location Known	138
213	Sealed Bid, \$500,000 to Indefinite, Wage Determination – Location Known	150
214	Sealed Bid, \$100,000 to \$500,000, Wage Determination – Location Unknown	146
215	Sealed Bid, \$500,000 to Indefinite, Wage Determination – Location Unknown	158
220	Negotiated Competitive, \$100,000 to \$10,000,000	180
221	Negotiated Competitive, \$10,000,000 to indefinite	201
222	Negotiated Noncompetitive, \$100,000 to indefinite	174
223	Negotiated Competitive, \$100,000 - \$10,000,000, Wage Deter.-Location Known	224
224	Negotiated Competitive, \$10,000,000 to indefinite, Wage Deter. – Location Known	239
225	Negotiated Competitive, \$100,000 - \$10,000,000, Wage Deter. – Location Unknown	222
226	Negotiated Competitive, \$10,000,000 – Indefinite, Wage Deter. – Location Unknown	243
227	Negotiated Noncompetitive - \$100,000 – Indefinite, Wage Deter. – Location Unknown	222
230	Modification to Order	21
231	Misc. Modification – Administrative Change	20
232	Misc. Modification – Funding \$0 – Indefinite	30
233	Misc. Modification – Option \$0 – Indefinite	40
234	Misc. Modification – Unilateral Change Order - \$0 – Indefinite	30
235	Misc. Modification – Option \$0 – Indefinite, Wage Determination	75
240	Supplemental Agreement up to \$25,000, outside scope	67
241	Supplemental Agreement \$25,000 - \$500,000, outside scope	142
242	Supplemental Agreement, \$500,000 to Indefinite, outside scope	163
243	Supplemental Agreement up to \$25,000, outside scope, wage determination	118
244	Supplemental Agreement \$25,000 to \$500,000, outside scope, wage determination	150
250	8(a) Acquisition, \$0 - \$3,000,000 (\$0 - \$5,000,000 if manufacturing)	146
251	8(a) Acquisition \$3,000,000 – indefinite (\$0 - \$5,000,000 – Indefinite if	

	manufacturing	186
252	8(a) Supplemental Agreement \$0 – Indefinite	112
253	8(a) \$0 - \$3,000,000 (\$0 - \$5,000,000 if manufacturing) Wage Determination – Location Known	157
254	8(a) \$3,000,000 – indefinite (\$5,000,000 - indefinite if manufacturing) Wage Determination – Location Unknown	226
255	8(a) \$0 - \$3,000,000 (\$0 - \$5,000,000 if manufacturing) Wage Determination – Location Unknown	182
256	8(a) \$3,000,000 – Indefinite (\$5,000,000 – Indefinite if manufacturing) Wage Determination – Location Unknown	228
257	8(a) Supplemental Agreement \$2,501 – Indefinite, Wage Determination	154
260	A-76 Negotiated Competitive, \$100,000 - \$10,000,000, Wage Determination – Location Known	322
261	A-76 Negotiated Competitive \$10,000,000 – Indefinite; Wage Determination, Location Unknown	
262	A-76 Negotiated Competitive \$100,000 - \$10,000,000, Wage Determination, Location Unknown	
263	A-76 Negotiated Competitive \$10,000,000 – Indefinite, Wage Determination, Location Unknown	
264	A-76 Sealed Bid \$100,000 - \$500,000, Wage Determination, Location Known	
265	A-76 Sealed Bid \$500,000 – Indefinite, Wage Determination, Location Known	
266	A-76 Sealed Bid \$100,000 - \$500,000, Wage Determination, Location Unknown	
267	A-76 Sealed Bid \$500,000 – Indefinite, Wage Determination, Location Unknown	
270	NISH Contract	282
271	NISH Supplemental Agreement	222
276	A&E Negotiated Competitive \$100,000 – Indefinite	218
280	Misc. Supplemental Lease Agreement	91
999	Awards up to \$2,500 (Pilot)	5

*Days

PART 8

REQUIRED SOURCES OF SUPPLIES AND SERVICES

8.1 Federal Supply Schedules

Who CS – advisory to COR; purchase cardholders

What Provides guidance on use of Federal Supply Schedules

When During the acquisition execution phase

Discussion:

- (a) *Combining schedule and non-schedule items on one order.* GAO protest decisions have been clear that non-schedule items cannot be procured on a delivery order/task order (DO/TO) against a Federal Supply Schedule (FSS) contract unless open market competition requirements are followed for those items. If an agency conducts a competition amongst FSS and non-FSS vendors, the order can then include both FSS and non-FSS goods or services from a winning FSS vendor. This means that any non-FSS portion of an order that exceeds \$2,500 must be competed on the open market and a decision that the FSS vendor offers the best value to the government prior to being included on a DO/TO against the FSS contract. Those items must be clearly identified as not being covered by the FSS contract.
- (b) *Oral order procedures. Definitions.*

“Oral DO/TO” means an oral placement by the Government, using a purchase card or convenience check as a method of payment, to buy supplies or services from a type of source identified in FAR part 8. This definition does not include the requirement to furnish a written DO/TO to the contractor.

“Non-complex” means that the specifications and applicable terms and conditions are so simple that the contractor can understand and fulfill the Government’s requirement without receiving a written DO/TO.

Policy. Consistent with your delegated acquisition authority, you can use the oral DO/TO procedure to acquire non-complex supplies and services whenever practicable as follows:

- (1) up to your purchase card limitation level; or
- (2) up to the maximum amount that can be issued by a cashier for convenience checks. Convenience checks should only be used when the purchase card is not accepted. The Office of Finance establishes convenience check procedures and dollar thresholds.

You cannot use this procedure if:

- (1) The contractor will not accept an oral order;

- (2) The acquisition is too complex to do an oral DO/TO;
- (3) Security requirements apply;
- (4) The requirement contains options; or
- (5) You decide that an oral DO/TO is not the most economical or practical method to use.

Procedures. Conduct the acquisition in accordance with FAR part 8. Ask the contractor whether an oral DO/TO with a purchase card as the method of payment is acceptable, without requiring a written method of ordering. Prepare the award in C-Stars and FPDS-NG. Remember that the payment type and invoice address in C-Stars must indicate “Purchase card” or “Convenience Check”.

If you have to modify an oral DO/TO, you can:

- (1) Do the modification orally if the contractor does not require a written modification, and agrees to accept an oral modification to the oral DO/TO; or
- (2) Do the modification in writing by providing the contractor a copy of the SF 30, if the contractor requires a written modification (note this must be done by a CS).
- (3) In either case, modify the order in C-Stars. Include the following statement as applicable in the description “Oral Purchase Order.” Indicate whether this is a purchase card or convenience check.

Distribute award documents to all appropriate parties. Do not send award documents to the contractor, unless he/she requests a written modification.

If you have to cancel an oral DO/TO handle in accordance with FAR 8.405-5 or 8.405-6 as the case may require.

Prepare your file documentation as you normally would when doing a written DO/TO.

References: FAR Subpart 8.401(d); GAO Decisions B291105, B-293743, B-292995.2; B-292819.2

8.2 Acquisition from Federal Prison Industries, Inc.

Who CS

What Impact of delinquent delivery orders

When During acquisition execution

Discussion:

- (a) Establish delivery schedules based on the lead time required by Federal Prison Industries (FPI).
- (b) You may use delinquent orders as the reason for requesting clearance to procure from other sources until FPI can make deliveries or for using alternative sources without clearance.

References: FAR Subpart 8.6

8.3 Acquisition of Printing and Related Supplies

Who CS, COR and Purchase Cardholders

What Guidance on the acquisition of printing and related supplies

When During planning and execution phases of acquisition

Discussion:

- (a) Requirements deemed not to be government printing are identified in paragraphs 35-3 and 35-4 of the Government Printing and Binding Regulations.
- (b) Printing services using appropriated funds may only be acquired through the Government Printing Office (GPO).
- (c) The central printing authority is the NOAA Copy Manager. The Facilities Service Division is available to provide technical assistance with respect to Joint Committee on Printing restrictions.
- (d) Refer to NAO 206-6 for additional guidance regarding the acquisition of copying equipment.
- (e) Refer to NAO 201-32F for additional; guidance regarding the acquisition of composing, platemaking, printing, binding and related equipment.

References: FAR Subpart 8.8; Government Printing and Binding Regulations; NAO 206-6; NAO 201-32F

8.4 Leasing of Motor Vehicles

Who CS

What Guidance on acquisitions for the leasing of motor vehicles

When Acquisition planning and execution phases

Discussion:

- (a) *Presolicitation Requirements.* The “head of the requiring agency or a designee” is the DOC, Director, Office of Administrative Services. He/she executes the certification required by FAR 8.1102(a)(2).
- (b) The certification specified in paragraph (a) of this section is required for leasing of all motor vehicles regardless of the period of time involved.
- (c) *Additional Guidance.* See additional guidance on the acquisition of motor vehicles, including requirements for Alternative Fuel Vehicles and related reporting requirements on NOAA’s Personal Property webpage at <http://www.pps.noaa.gov>.

References: FAR Subpart 8.11; Personal Property webpage

8.5 Leasing of Commercial Air Services For the Duration of the Outsourced Aviation Safety Stand-Down

Who CS, COR and Purchase Card Holders
What Guidance on acquisitions for the leasing of Commercial Aviation Services
When Acquisition planning and execution phases
Discussion: **Procedures for Obtaining Commercial Aviation Services (CAS) using the Reimbursable Interagency Agreement between NOAA and the U.S. Department of Interior (DOI) National Business Center Aviation Management (AM) Office (formerly known as Office of Aircraft Services (OAS)) for the duration of the Outsourced Aviation Safety Stand-Down**

A copy of the agreement can be downloaded from the NMAO web site:

<http://www.nmao.noaa.gov/fleettimereq.html>

The Reimbursable Interagency Agreement between NOAA and DOI allows NOAA to use the DOI AM Aircraft Rental Agreement (ARA) System, which is similar to a "blanket purchase agreement" list of vendors that have been evaluated by the Department of Interior for Federal agency use. The list of vendors can be viewed on their web site:

<http://www.oas.gov/source/source.htm> Select "Aircraft Source List" where you can input various search criteria to find aircraft in your project area. The ARA system is set up for aircraft charters up to \$25,000 per mission. NOAA offices utilizing a DOI AM "Aircraft Rental Agreement" for aircraft services up to \$25,000 per mission, will be charged a DOI administrative overhead fee equal to 14% of the actual amount paid to the aircraft vendor for services rendered.

The DOI AM contracting officers will also work with NOAA to facilitate aircraft charters in excess of \$25,000; and the administrative overhead fees associated with these contracts will be paid by the NOAA program requesting services at the rates below:

<u>Annual Cost per individual aircraft</u>	<u>Percentage</u>
\$0 - \$250,000	11%
\$250,001 - \$500,000	9%
\$500,001 - \$1,500,000	7%
\$1,500,001 – above	6%

In addition to the fees described above, DOI AM will charge the NOAA office requesting contracting services for reimbursement of any travel or per diem costs incurred for site visits to vendors not currently on the DOI AM Aircraft Source List, or for other travel incurred specifically on behalf of that NOAA office.

All NOAA business with DOI AM shall be coordinated through your Line Office liaison listed on the "contact information" tab of the NOAA Aviation Safety website (<http://www.aviationsafety.noaa.gov/>) for submission to LCDR Debora Barr (NOAA's liaison with DOI). Chartering with a vendor on the source list "outside the scope" of the instructions outlined below is in violation of the NOAA Safety Stand-Down.

Procedures to request Commercial Aviation Services through DOI AM:

Submit Request

- Coordinate with your Line Office Liaison to complete and fax a NOAA Form 56-48 "Request for Aircraft Support" to NMAO's Program Services and Outsourcing Division (fax 301-713-1541). *(If you have already sent in a 56-48 for your project this fiscal year and have been assigned a NMAO clearance number you do not have to re-submit the form – just call Debora Barr at 301-713-3435 x103 to proceed.* The form can be found on NMAO's web site: <http://www.nmao.noaa.gov/fleettimereq.html>
- LCDR Barr will contact you to discuss your project needs and fax back your NOAA Form 56-48 with an "NMAO assigned clearance number" annotated to authorize the procurement. The clearance number is also required for follow-up reporting of your flight(s).

Acquire Billing Code from DOI AM

- Obtain a "Billee Code" for DOI billing through LCDR Barr of NOAA. This allows DOI AM to bill NOAA for the cost of the aircraft charter, minus the overhead charges that are paid by NMAO when using the ARA.
- Some NOAA offices already have "billee codes" set up with DOI. To determine if your office already has a code in place, go to: <http://www.oas.gov/amab/billee/state.asp>
- If you do not have a billee code, you will need to send the following information to LCDR Barr of NMAO: Debora.R.Barr@noaa.gov via email in order to receive one:
 1. Point of Contact (telephone and email)
 2. Office Code
 3. Address for DOI AM to send the "detail of charges" to after the flights

Obtain Cost Estimate

- Once you have a billee code set up with DOI AM, and we determine that an existing ARA aircraft vendor can support your project, you can contact the vendor to request a cost estimate for your project. When you contact the vendor please tell them you are a customer of DOI AM utilizing the Aircraft Rental Agreement System so they can give you an accurate cost estimate using the ARA flight rate. Be sure to include an estimate of the DOI administrative overhead fees in your cost estimate.
- If there are currently no aircraft on the ARA source list that can support your project, LCDR Debora Barr will submit a request to DOI AM to search for additional vendors to fulfill your needs. LCDR Barr will also look at the requested flight profiles and determine if there are "special use" needs such as low-level surveillance flights or extended over-water flights, etc. These types of requests require a higher level of safety evaluation of the vendors including a flight evaluation of the pilots' flying skills, and require additional time to set up as an on-site inspection by AM is required.

Complete Procurement Request

- Fill out a CD 435 (Department of Commerce Procurement Request) to submit to your Administrative Support Center along with a copy of the NOAA Form 56-48 (annotated with your “NMAO Assigned Clearance Number”) to proceed with the procurement. The “Seller” on the CD-435 will be: U.S. Department of Interior, Aviation Management, 300 E. Mallard Dr., Suite 200, Boise ID 83706-3991, Attn: Erin Horsburgh 208-433-5033.

Schedule Flight

- As soon as you have an approved Purchase Order or Requisition, and the cost estimate is less than \$25,000, you may contact the DOI Aircraft Rental Agreement vendor and schedule your flight(s).
- Download and read the “Aircraft Rental Agreement” from the DOI AM website for the region in which you will need aircraft:
 - To determine region: <http://www.oas.gov/fc/>
 - Alaska Region: <http://www.oas.gov/akro/akflight/fccindex.htm>
 - East Area: <http://www.oas.gov/east/fcc/index.htm>
 - West Area: <http://www.oas.gov/west/fcc/index.htm>
- The “Aircraft Rental Agreement” has detailed information regarding the responsibilities of NOAA employees acting on behalf of the government as well as vendor responsibilities. NOAA employees flying on ARA aircraft are required to visually inspect the DOI AM-issued Aircraft Qualification Card and Pilot Qualification Card, authorizing them to perform the flight prior to embarking on the aircraft to ensure the vendor is complying with the ARA agreement, as detailed in the ARA.
- If your cost estimate is greater than \$25,000, contact your Line office liaison to communicate your needs to LCDR Barr to request assistance from the DOI AM Contracting Office to proceed with the procurement.

Fly With Vendor

- When you fly with the ARA vendor, please ensure that the vendor fills out the DOI OAS-23 form using your billee code to ensure that the billing statements are directed properly. **You must enter your NOAA Purchase Order or Requisition Number and CAMS accounting codes in the “User Organization and Charge Codes” section on the OAS-23 form documenting the flight activity.** This will assist NOAA Finance in correctly billing your office for the flight activity.

Follow-Up Reporting

- Download the “Aircraft Use Report – OAS 23 User Guide” from the DOI AM website: <http://www.oas.gov/library/index.htm> which describes all of the codes used on the OAS-23 form.

- After the project is flown, the vendor will ask you to validate the OAS-23 form (Aircraft Use Report) so they can submit it to DOI AM for reimbursement. Please review the OAS-23 instructions available at: <http://www.oas.gov/library/index.htm> You will not be paying the vendor directly. DOI AM pays the vendor after the vendor submits the proper paperwork. DOI AM then bills NOAA for reimbursement using the billee code assigned. **Do not pay the vendor directly!**
- NOAA requires submission of a NOAA Form 56-56 (Commercial Aviation Services Report) to NMAO as well as the monthly ship and aircraft charter form due on the last Friday of each month that you fly to document the cost and utilization data associated with all aircraft outsourcing. These forms can be found on the NMAO web site: <http://www.nmao.noaa.gov/fleettimereq.html> You will need your "NMAO Assigned Clearance Number" to complete these forms.

Free Aviation Safety Training

- DOI AM offers "Interagency Aviation Training" accessible from their web site: <http://iat.nifc.gov/> You will find online courses in Aviation Safety, Aircraft Capabilities and Limitations, Aviation Life Support Equipment, Crash Survival, and others. Any NOAA employee or contractor may log in and take these safety courses online. You will receive credit for taking the training only if you complete the test at the end of each module. It is strongly recommended that employees and contractors take advantage of this opportunity to learn about aviation safety. **Aviation Safety A-101** is a basic safety course which also outlines the ARA procedures that NOAA must follow when working with the vendors on the source list. DOI AM also offers an Aviation Conference and Education (ACE) session twice a year where many of the aviation safety courses are offered in a classroom setting. NOAA employees and contractors may sign up for the ACE sessions. There is no cost for this training other than travel and lodging.

If you have any questions about the interagency agreement, need assistance obtaining a DOI Billee Code, or need additional information regarding anything above, please contact your Line Office liaison - see the contact information tab on the NOAA Aviation Safety website: <http://www.aviationsafety.noaa.gov/>

References

PART 9

CONTRACTOR QUALIFICATIONS

9.1 Responsible Prospective Contractors

Who CS

What Obtaining past performance information

When During evaluation phase of acquisition

Discussion: *Past performance on subcontracting plan goals.* You can obtain information to evaluate an offeror's past performance on subcontracting plan goals from the following sources:

- (a) The Small Business Administration.
- (b) Information on prior contracts from contracting officers and Administrative contracting officers.
- (c) Offeror's references.
- (d) Past performance information collected under FAR 42.15.

References: FAR 9.104-3

9.2 Qualifications Requirements

Who CS

What Guidance on waiving qualification requirements

When Pre-award

Discussion: Submit your request to not enforce a qualification requirement to the HCO. Upon approval by the HCO, the CS shall provide a concise summary of the decision and the basis for it to the SBPO.

References: FAR Subpart 9.206-1

9.3 Debarment, Suspension and Ineligibility

Who CS, possibly with input from COR

What Process for handling proposals to debar, suspend or declare ineligible contractors

When At any time

Discussion: Submit the information specified in FAR 9.404(c)(1), (2) and (3) to GSA through your HCO and the Director, Acquisition and Grants Office.

The AGO's Director's Office, Policy Staff, maintains all documentation recommending debarment or suspension action until completion of the investigation and decision making process. If the government debars or suspends the contractor, AGO Policy Staff retains the documentation until the debarment or suspension ends.

You can find the Internet site for "The List of Parties Excluded from Federal Procurement and Nonprocurement Programs" at <http://www.epls.arnet.gov>.

References: FAR Subpart 9.4

9.4 Proposals to Debar

Who CS

What Procedures for preparing a proposal to debar a vendor

When At any time

Discussion:

(a) Investigation and referral. When you know of an apparent cause for debarment:

- Prepare a report in accordance with FAR Subpart 9.406;
- Incorporate the information specified in FAR Subpart 9.406 in the report; and
- Forward it with a written recommendation for further action through your HCO and the Director, AGO to the DOC PE.

(b) Decisionmaking process. The CO will coordinate the decisionmaking process for the debarring official. In conjunction with AGO management and the DOC OGC, assist the debarring official by requesting information, scheduling interviews and preparing records and notices as described in FAR 9.406-3(b), (c), (d), and (e).

References: FAR subpart 9.406

9.5 Proposals to Suspend

Who CS

What Procedures for proposal to suspend a vendor

When At any time

Discussion:

(a) Investigation and referral. When you know of an apparent cause for suspension:

- Prepare a report in accordance with FAR Subpart 9.407;

- Incorporate the information specified in FAR Subpart 9.407 in the report; and
 - Forward it with a written recommendation for further action through your HCO and the Director, AGO to the DOC PE.
- (b) Decisionmaking process. The CO will coordinate the decisionmaking process for the suspension official. In conjunction with AGO management and DOC OGC, assist the debarring official by requesting information, scheduling interviews, and preparing records and notices as described in FAR 9.407-3(b), (c) and (d).

References: FAR Subpart 9.407

9.6 Reporting Suspected Causes for Debarment, Suspension, or the Taking of Evasive Actions

Who CS

What Guidance on reporting suspected causes for debarment, suspension or the taking of evasive actions

When At any time

Discussion:

(a) The CS needs to report the following situations:

- A contractor has committed, or is suspected of having committed, any of the acts described in FAR 9.406-2 or 9.407-2; or
- You suspect that a contractor is trying to evade debarment or suspension restrictions imposed under these or comparable policies. Examples are changing addresses, using multiple addresses, or forming new companies.

(b) Include in the report the following information, if it applies:

- (1) The contractor's name and address;
- (2) The names of the principal officers, partners, owners, or managers;
- (3) A list of all affiliates, subsidiaries, or parent firms. Indicate the nature of the affiliation;
- (4) The contract number;
- (5) The amount of each contract;
- (6) The amount already paid to the contractor and the amount due;
- (7) The percentage of work completed;
- (8) The status of invoices;
- (9) The name and address of any assignee(s) and a copy of the assignment(s);
- (10) An estimate of the damages that the Government incurred as a result of the contractor's action. Include an explanation of the method used in making the estimate;
- (11) A summary of the evidence;
- (12) Your recommendations as follows:

- Recommendation for contractor suspension or debarment;
 - Recommended debarment or suspension period; and/or
 - Recommendation for continuing any current contract(s); and
- (13) Attachments, such as:
- A copy of the contract(s) or relevant contract part(s); and
 - Testimony or statements of witnesses.
- (c) Coordinate the report with an attorney in the DOC OGC.

References: FAR Subpart 9.4

Subpart 9.7 Organizational and Consultant Conflicts of Interest

Who CS

What Guidance on planning for contracts for auditing services

When At Planning stage

Discussion: Acquisitions for auditing services may require special consideration with regard to potential conflicts of interest. Auditors must be free from any potential source of bias when conducting an audit to ensure the integrity of the results. Per the “auditor independence requirements” in *Government Auditing Standards*, a potential conflict of interest arises when the same firm providing the audit services also provides non-audit consulting services. The two main principles of the auditor independence standards are:

- Auditors should not perform management functions or make management decisions; and
- Auditors should not audit their own work or provide non-audit services in situations where the amounts or services involved are significant/material to the subject matter of the audit.

References: FAR Subpart 9.502

9.8 Contracting Officer Responsibilities

Who CO

What Guidance on CO responsibilities for handling potential organizational conflicts of interest

When At any time

Discussion: See FAR 9.508 for examples of possible organizational conflicts of interest.

Examine each situation on the basis of its particular facts and the nature of the proposed contract. Obtain the advice of a DOC OGC CLD attorney when evaluating a potential conflict of interest and when developing and special solicitation provisions. See FAR 9.506 for the approval requirements for using an organizational conflict of interest provision or clause.

References: FAR Subpart 9.5

PART 10

MARKET RESEARCH

10.1 Alternatives

Who COR, CS, CO

What Provide guidance on the analysis, evaluation, and documented of alternatives.

When Throughout the acquisition process

Discussion:

- (a) Market research is the process of collecting, organizing, maintaining, analyzing, and presenting data that enables agencies to achieve the best value acquisition of systems, commodities, components, technology, capabilities, or services to meet their needs.

It is a continuous process designed to gather data on products, market capabilities, and the business practices associated with them. Market research provides the basis for:

1. identifying opportunities for using commercial items or services to meet requirements,
 2. determining the availability of other existing items (non-developmental items) to meet agency requirements,
 3. writing product descriptions and statements of work which allow companies to offer their commercial items and services in consonance with commercial practice,
 4. crafting acquisition strategies, solicitations, contracts, and support and test plans that accommodate and take advantage of commercial business practices and encourage commercial competition, and
 5. complying with Federal mandates.
- (b) The CS can assist in the conduct of market research by drafting a synopsis designed to gather information on the availability of supplies or services in the marketplace that will meet the needs of the Government. Language needs to be included in the synopsis that makes it clear that the intent of the synopsis is market research and that no solicitation of offers is made by the synopsis or that a formal solicitation of offers will be released in the future.
- (c) Documenting the market research: Each possible alternative shall be evaluated on performance, reliability, maintainability, and life-cycle costs as appropriate. These analyses shall be thoroughly documented and included in the procurement package forwarded. Below is a suggested format which can be tailored to fit your acquisition needs.

Market Survey

- **Background.** Describe the acquisition that stimulated the market research:
 - What was the purpose
 - How does the system or service fit into the agency mission, and
 - Any special features or requirements that framed the research.
- **Need.** Describe the need in performance terms:
 - Function - what the product or service must do,
 - Performance - the qualities and attributes of the product or service,
 - Any physical characteristic requirements, and
 - The required or desired delivery schedule.
- **Approach.**
 - Identify the market research team members and the roles they played,
 - Describe how the data was collected on the market, and
 - Describe how the data was analyzed, the number of vendors contacted, and provide the final list of potential suppliers.
- **Data and Analysis.**
 - Summarize the industry sources contacted and the information obtained from them,
 - Summarize the standard business provisions and conditions, e.g., terms, payment, freight, delivery, acceptance, warranties, etc., and
 - Layout the range of prices encountered, any rationale for the variance, and the probability for determining a fair price.
 - Summarize any trade studies, cost/benefit, user, or other analyses that influenced the outcome of the investigation.
- **Conclusions and Recommendations.**

Conclude the assessment with a summary of the available commercial or non-developmental items, the value or shortcomings of each, recommendations for specific contract terms and/or provisions for training, acceptance, and warranties.

PART 11

DESCRIBING AGENCY NEEDS

11.1 Selecting and Developing Requirements Documents

Who COR, CS

What Use of brand name or equal purchase descriptions

When Acquisition planning/requirement development phase

Discussion:

- (a) A brand name or equal purchase description must avoid specifying characteristics that do not materially affect the intended end use and which unnecessarily restrict competition.
- (b) When a brand name or equal purchase description is used, best practice is to cite the known acceptable brand name products in current manufacture, rather than only a single brand name product. For example, cite the acceptable brand name products identified during market research.
- (c) You may require samples for “or equal” offers but not for “brand name” offers.
- (d) Provide for full consideration and evaluation of “or equal” offers against the salient characteristics specified in the purchase description. Do not reject offers for minor differences in design, construction, or features which do not affect the suitability of the product for its intended use.
- (e) *Solicitation provisions.* Include the following immediately after each brand name or equal item description, with instructions for the offeror to complete the information:

Offering on:

Manufacturer’s Name _____

Brand _____

Model or Part No. _____

If the solicitation does not require samples for “or equal” offers, include the following notice in the list of brand name or equal items or component parts:

Notice

If you offer other than brand name items identified in this solicitation, you must provide adequate information for the Government to determine the equality of the product(s) offered.

- (f) If you use brand name or equal purchase descriptions for some component parts of an end item, you may limit the application of the provisions at FAR 52.211-6 to the specified components.

References: FAR Subpart 11.104

11.2 Delivery or Performance Schedules

Who CS

What Guidance on award date vs. effective date

When Solicitation development/contract award

Discussion: The “award date” (or the date of execution) is the date the CO signs the award, notice of award, acceptance of proposal, or other contract document. The “effective date” of a contract is the date on which the contractor and the CO agree that the contract goes into effect. This may be the same or later than the award date, but not earlier. The effective date is usually the date on which performance begins, or the date the contractor will begin to incur costs in preparation for performance. However, in some cases the effective date may not be known but will be contingent upon some future occurrence (e.g., Availability of Funds, Issuance of a Notice to Proceed).

References: FAR Subpart 11.4

11.3 Liquidated Damages

Who CS (with input from the COR)

What Guidance on liquidated damages

When Prior to release of solicitation; after award

Discussion:

- (a) If it is appropriate that liquidated damages be included in a contract (e.g., the Government will be harmed by the Contractor’s failure to perform or deliver in accordance with the delivery schedule included in the contract), the liquidated damages (e.g., cost per day) must be determined prior to release of the solicitation. The file shall be documented with an explanation of the basis for including liquidated damages and an explanation of how those damages have been established. Keep in mind that liquidated damages are not intended to be punitive but to “make the Government whole” for losses sustained through the Contractor’s failure to perform on time.
- (b) *Disposition of liquidated damages.* Refer to FAR subpart 32.6, Contract Debts, for information on the collection of contract debts.

References: FAR Subpart 11.5

PART 12

ACQUISITION OF COMMERCIAL ITEMS

12.1 Commercial Item Acquisitions

Who CS (with input from COR)

What Use of Commercial Item Acquisition Procedures

When At time of requirements development and solicitation development

Discussion: Use of commercial item acquisition procedures can significantly streamline the acquisition process. Accordingly, CORs should seek to identify commercial item solutions to fulfill their needs. Market research is an essential part of reaching a conclusion that there are no commercial items/services available to fulfill the Government's needs.

References: FAR Subpart 12.1

12.2 Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

Who CS

What Guidance on tailoring provisions and clauses for the acquisition of commercial items

When Solicitation development

Discussion: *Tailoring inconsistent with customary commercial practice.* If it is appropriate to tailor any clause or otherwise include any additional terms or conditions in a solicitation or contract for commercial items in a manner that is inconsistent with customary commercial practice for the item being acquired, prepare a waiver request. Prepare the request in accordance with the requirements at FAR 12.302(c) and send it to the HCO for approval.

References: FAR Subpart 12.3

PART 13

SIMPLIFIED ACQUISITION PROCEDURES

13.1 Award and Documentation of Simplified Acquisitions

Who CS

What Guidance on required file documentation on simplified acquisitions

When Prior to award and throughout life of award

Discussion:

- (a) The CS is responsible for ensuring that the supporting documentation for simplified acquisitions is concise, clear and fully documents the decisions made and the rationale for those decisions. It is insufficient to simply make conclusionary statements. The facts supporting the conclusion must be included in the file. The file is to be a stand-alone summarization of the acquisition and the decisions made.
- (b) *File documentation and retention.* While documentation requirements for simplified acquisitions are intended to be simplified as well, the file documentation must stand on its own in documenting the decisions made. Documentation must be sufficient to clearly support the decisions made.

See Exhibit 1 to this Part for file assembly instructions.

- (c) *Use of pre-printed folders for simplified acquisitions.* Some NOAA acquisition offices utilize pre-printed folders for simplified acquisitions. These pre-printed folders provide for pre-award, award and post-award documentation to be recorded directly on the folder. If such folders are utilized, the files should not contain paperwork that duplicates information that can be recorded directly on the file. Any additional paperwork that must be included in the pre-printed folder shall be filed in accordance with the file assembly instructions included in Exhibit 1 to this Part.

References: FAR Subpart 13.1

13.2 Simplified Acquisition Methods-Government-wide Purchase Card

Who CS and Government-wide Purchase Cardholders

What Use of the Government-wide Purchase Card

When Upon identification of the need to acquire goods or services

Discussion: It is NOAA policy that the Government-wide Commercial Purchase Card (purchase card) shall be used to the maximum extent possible. All acquisitions below the micro-purchase threshold (currently \$2,500) shall be processed utilizing the purchase card. Purchase requests below the micropurchase threshold shall not be submitted to a NOAA acquisition office for processing. Any purchase request below the micropurchase threshold submitted to a NOAA

acquisition office must include documentation showing what efforts were made to obtain the required product/service utilizing the purchase card and a certification that no source could be identified that would accept the purchase card. Any purchase request below the micropurchase threshold submitted without the required documentation and certification shall be returned for processing by the requesting office's authorized purchase cardholder.

References: FAR 13.3; CAM Chapter 1313.301

13.3 Simplified Acquisition Methods – Purchase Orders

Who CS

What Distribution of award documents

When At time of award

Discussion: Distribute award documents in accordance with FAR 4.201, FAR 4.202, and FAR 13.302-1(d).

References: FAR Subpart 4.2 and 13.3

13.4 Blanket Purchase Agreements (BPAs)

Who CS

What Guidance on the use and award of BPAs

When Throughout the acquisition process

Discussion:

- (a) *General.* Follow the requirements at FAR 13.303-5(e) to make sure you comply with the requirements at FAR 13.303-1.
- (b) *Preparation of BPAs.* Make sure the individuals authorized to purchase under the BPA understand their responsibilities regarding ordering, record keeping, receiving and acceptance, and certifying invoices for payment.

If a COR has been designated under the BPA, he/she should be advised of the review procedures at FAR 13.303-6(a), which requires an annual sampling of the BPA records to ensure authorized procedures are being followed by the CS.

- (c) *Purchases Under BPAs.* NOAA policy allows the simplified acquisition threshold for individual purchases to be exceeded consistent with the thresholds in FAR 13.303-5(b)(1) and (2) upon concurrence of the DOC Procurement Executive.
- (d) Use C-Stars to record award information. If individuals that do not have access to C-Stars have been given the authority to purchase under the BPA, a record of these purchases must be provided to the cognizant to NOAA Acquisition Office. This may be accomplished in a variety of ways such as:

- (1) The authorized individuals may keep a record of all calls and related actions (e.g., receiving and payment information), and submit this record to the cognizant acquisition office monthly, quarterly, or within the timeframes established by the cognizant acquisition office.
- (2) The CO can stipulate in the BPA that the contractor must submit a monthly summary of all the supplies and services delivered to the CO and the cognizant COR. This may be more practical than the method in (1) above if NOAA's micropurchasers have been authorized to purchase under the BPA.
- (3) Individualized methods can be developed on a case-by-case basis as long as those methods ensure that the required information is submitted routinely to the cognizant acquisition office.

References: FAR Subpart 13.3

13.5 Oral Purchase Order Procedures for Open Market Acquisitions

Definitions. As used in this section:

“Oral Purchase Order” (Oral PO) means an oral offer by the Government, using a purchase card or Convenience Check (CC) as the method of payment, to buy supplies or services based on specified oral terms and conditions using simplified acquisition procedures.

“Non-complex” means that the specifications and applicable terms and conditions are so simple that the contractor can understand and fulfill the Government's requirement without receiving a written PO.

Who CS

What Policy and procedures for utilizing oral purchase orders

When At start and throughout the acquisition phase

Discussion:

(a) *Policy.* Consistent with your delegated acquisition authority, you can use the oral PO procedures to acquire non-complex supplies or services whenever practicable as follows:

- (1) Up to the simplified acquisition threshold (SAT) when using a purchase card, or your purchase card limitation level, whichever is less;
- (2) Up to the maximum amount that can be issued by a cashier for convenience checks. Only use convenience checks when the purchase card is not accepted.

You cannot use the oral PO procedure if:

- (i) The contractor will not accept an oral order;
- (ii) The acquisition, including terms and conditions, is complex, and cannot be

- communicated orally;
- (iii) A clause(s) applies to the acquisition that is not included in one of the pre-assembled clause group lists located on AGO's Website (<http://www.ofa.noaa.gov/~amd>) (under construction), or you want to use additional clauses other than those located on AGO's Website.
- (iv) The acquisition is subject to the Service Contract Act or the Davis-Bacon Act;
- (v) Security requirements apply;
- (vi) The requirement contains options; or
- (vii) You decide that an oral PO is not the most economical or practical method to use.

(b) *Procedures.* The CS shall solicit and evaluate quotes in accordance with the procedures prescribed in the FAR, and prepare file documentation as would normally be done when doing a written PO.

Whether quotes are solicited orally or in writing potential offerors must be informed that the Government intends to issue an oral PO and use a purchase card or convenience check (if the purchase card is not acceptable) to pay for the required goods or services, and that no follow-up will be made with a written offer to buy.

If potential offerors agree to accept an oral PO, proceed with the solicitation. In either a written or oral solicitation the CS should, at a minimum, provide and obtain from offerors the following information:

- (1) the applicable SBA designated district if the acquisition is set-aside for very small businesses;
- (2) the applicable North American Industry Classification System Code (NAICS), and Small Business Size Standard if the acquisition is set-aside for small business concerns;
- (3) the basis for award (include "all or none" or "multiple" award);
- (4) use appropriate clauses when placing an oral PO. Commercial item and non commercial item clause group lists using required clauses for acquisitions at or below the SAT and other applicable agency terms and conditions are available at AGO's Internet site at <http://www.ofa.noaa.gov/~amd> (under construction) and click on the "Acquisition Information" title bar to view the applicable clause group. The CS may fax the clauses to potential quoters if they do not have access to the Internet); and
- (5) obtain Representations and Certifications (Reps and Certs) from the quoters. The Reps and Certs are also located at the Internet address cited above. Provide the Internet address to potential quoters, and ask them to complete the appropriate set of Reps and Certs and submit them to the CS. The CS may fax the Reps and Certs to potential quoters if they do not have access to the Internet.

(c) *Prepare the award in C-Stars.* Remember that the Payment Type and Invoice

Address in C-Stars must indicate either “Purchase Card” or “CC”.

(d) If an oral PO must be modified, the CS can:

- (1) Do the modification orally if the contractor does not require a written modification, and agrees to accept an oral modification to the oral PO; or
- (2) Do the modification in writing by providing the contractor a copy of the SF 30, if the contractor requires a written modification.
- (3) In either case modify the order in C-Stars. Include the following statement as applicable in the description “Oral Purchase Order.” Indicate whether or not the referenced order is a “Purchase Card” or “CC” order.

(e) The CS shall distribute award documents to all appropriate parties. Do not send award documents to the contractor, unless the contractor requests a written modification.

(f) If the CS has to cancel an oral PO, cancel it in accordance with FAR 13.004(c) or FAR 13.302-4(b) or Part 12, as applicable.

References: FAR Subpart 13

13.6 File Documentation

Who CS

What File documentation requirements for Simplified Acquisitions

When Prior to award

Discussion: The CS may use the abstract in Exhibit 2, or another method to document your file, as long as the method used satisfies the documentation requirements to provide a stand-alone summary of the processes utilized and the decisions made relative to the award.

Note: Page 2 of the abstract in the Exhibit fully covers the documentation requirements.

References:

13.7 Test Program for Certain Commercial Items

Who CS

What Special Documentation Requirements

When Prior to award

Discussion: See Part 7 of this handbook for agency approval levels.

References: FAR Subpart 13.5

Exhibits:

1 – Simplified Acquisition File Assembly instructions

2 – Abstract of Quotation/Ordering Information

SIMPLIFIED ACQUISITION FILE ASSEMBLY INSTRUCTIONS
(for use with non pre-printed file folders)

1. Outside Cover

The Order Number should be clearly affixed to/written on the outside cover of the file.

2. Inside Left Cover

The documentation to support the award should be filed on the inside left cover. Documents should be tabbed and filed based on the file documentation requirements included in Part 4 of this Handbook. Administration documentation should be appropriately tabbed on top of pre-award and modification documentation. For example:

Basic Award	Tab 1 – Requisition
	Tab 2 – Request of Quotation
	Tab 3 – Offers
	Tab 4 – Abstract of Offers Received
	Tab 5 – Selection determination (if based on other than lowest offer)
	Tab 6 – FPDS-NG
Modification 1	Tab 1 – Requisition
	Tab 2 – Memorandum to File explaining purpose of modification
	Tab 3 – FPDS-NG

Invoices Submitted/Authorized for Payment

3. Inside Right Cover

Award documents beginning with the basic order with a tab on top. Modifications are to be filed sequentially on top of the basic order with numbered tabs corresponding to the modification number.

PART 14

SEALED BIDDING

14.1 Invitations for Bids (IFB)

Who CS

What Agency guidance on IFBs

When Development of solicitation/receipt of offers

Discussion:

- (a) Facsimile transmission of bids is authorized.
- (b) Use of electronic commerce for submission of bids is not authorized.
- (c) Bidders are not allowed to submit annual representations and certifications.

References: FAR Subpart 14

14.2 Opening of Bids and Award of Contract

Who CS

What Agency guidance on cancellation of IFBs and Mistakes in Bids

When After receipt of Bids

Discussion:

- (a) *Cancellation of Invitations After Opening.* Forward a written recommendation for a determination to cancel an invitation for bids after bid opening, but before award, to the HCO. Reference, as applicable, any of the reasons for the cancellation as shown in FAR 14.404-1(c)(1) through (10).
- (b) *Other Mistakes Disclosed Before Award.* Authority is delegated to the SBPO to make administrative determinations in connection with mistakes in bid alleged after opening but before award. This authority may not be redelegated.

When a bidder furnishes evidence supporting an alleged mistake, refer the case to the SBPO. To assist the SBPO, prepare a file containing all documents referred to in FAR 14.407-3(g)(3)(i) through (v). Annotate the file with ‘IMMEDIATE ACTION—MISTAKE IN BID.’ A single copy of the file will suffice.

- (c) *Mistakes After Award.* Forward each proposed determination under FAR 14.407-4(b)(1) and (2) through the DOC OGC CLD, for concurrence. See FAR 14.407-4(e)(2). To assist the DOC OGC CLD, prepare a file containing all documents referred to in FAR 14.407-4(e). Annotate the file with “IMMEDIATE ACTION—MISTAKE IN BID.” A single copy of the file will suffice.

Final approval authority rests with the HCO.

References: FAR Subpart 14

PART 15

NEGOTIATED PROCUREMENT

15.1 Proposal Evaluation

Who CS, with support from COR
What Guidance on evaluating past performance
When Prior to award

Discussion:

- (a) *Use of the Past Performance Information Retrieval System (PPIRS):* Use information from PPIRS at www.ppirs.gov when evaluating an offeror's past performance.
- (b) *Other Means of Obtaining Past Performance Information:* Obtain information through questionnaires tailored to the circumstances of the acquisition; interviews with program managers and contracting officers; or other sources.

You may obtain information to evaluate an offeror's past performance on subcontracting plan goals and small disadvantaged business participation, monetary targets and notifications under FAR 19.1202-4(b) from the Small Business Administration; information on prior contracts from contracting officers and CORs; offeror's references; and past performance information collected under FAR 42.15 and available through PPIRS.

References: FAR Subpart 15.3

15.2 Source Selection Decision

Who CS and COR
What Source Selection Delegations and Procedures
When Prior to release of solicitation

Discussion: Source selection officials and their respective delegated authorities are as follows:

- (a) The Deputy Under Secretary (DUS) for Oceans and Atmosphere for Competitive procurements with an estimated cost/price of \$10 million or more. This authority may be delegated to an AA or a Department manager at a level above the CO. In general, the DUS will not delegate Source Selection Official (SSO) Authority on acquisitions meeting the following criteria:
 - (1) acquisitions exceeding \$15 million; or
 - (2) acquisitions for which there is a history of OIG interest; or
 - (3) acquisitions for which there is significant political interest; and
 - (4) acquisitions on which there have been significant activities (e.g., extensive delays,

protests, etc.).

Procedures for requesting a delegation of SSO authority.

Designation of Source Selection Official. The SSO must be identified in the acquisition plan submitted to the ARB. Accordingly, if a delegation below the DUS is determined to be appropriate, such request for delegation shall be submitted and approved in advance of the acquisition plan's submission to the ARB. The DUS, through the Director, AGO, shall advise the appropriate LO/SO and assigned acquisition office of any acquisition below the threshold established herein for which Source Selection Authority will be retained at the DUS level. These criteria do not apply to acquisitions being processed by NOAA for other operating units of DOC. The provisions of CAM 15.6, Chapter 1 shall apply to those acquisitions.

Delegation Request. Exhibit 1 to this Part provides a template for requesting a delegation of Source Selection Authority below the DUS level. The delegation request is to be prepared by the assigned Project Officer/COR with the assistance of the assigned CS.

Coordination of Requests for Delegation. All requests for delegation of source selection authority below the DUS are required to be reviewed and concurred in by the CO, HCO, and SBPO. As well, appropriate concurrences shall be obtained from the organizational entity with subject matter responsibility. For example, an acquisition for information technology (products or services) must be submitted to the Office of the CIO for concurrence; an acquisition for an A-76 cost comparison must be submitted to the Workforce Management Office and the Chief, Audit, Internal Control and Information Management Office for concurrence; or an acquisition for facility construction must be concurred in by the Chief Administrative Officer. These examples are not all inclusive and appropriate concurring offices need to be identified on a case-by-case basis between the COR and the CS.

- (b) The CO of the servicing acquisition office for those with an estimated cost/price \leq \$9,999,999. The DUS may elect to serve as the source selection official for negotiated acquisitions \leq \$9,999,999.
- (c) Except as detailed above, source selection authorities may not be redelegated.
- (d) *Value Determination.* Life cycle value of an acquisition for these purposes is determined as follows:

Contracts without Options. Contract value shall be calculated as the total fixed price, cost, cost-plus-fixed-fee, cost-plus-award-fee, or ceiling amount of Time and Material or Labor Hour type contracts.

Contracts with Options. Contract value shall be calculated as the base period and/or quantity plus all option periods/quantities (stated in terms of dollars).

Indefinite Delivery, Indefinite Quantity Contracts. Contract value shall be calculated as

the maximum (stated in terms of dollars) under the contract. If there are options to be included in the contract, the value is calculated as the sum of the maximum (stated in terms of dollars) for the base period plus the maximum of all options (stated in terms of dollars).

Requirements-type Contracts. Contract value shall be calculated as the total estimated amount (stated in terms of dollars). If there are options to be included in the contract, the value is calculated as the sum of the total estimated amount for the base period/quantity (stated in terms of dollars) plus the estimated amount for all option periods/quantities (stated in terms of dollars).

Contracts with Award Term Provisions. Contract value shall be calculated as the total price/cost of the base period plus the total price/cost of any options plus the total price/cost of any potential award term periods.

References: FAR Subpart 15.3; CAM 15.6, Chapter 1; NAO 208-100

Exhibit 1 – Request for Source Selection Authority Delegation Template

**TEMPLATE
SOURCE SELECTION AUTHORITY
REQUEST FOR DELEGATION**

MEMORANDUM FOR: John J. Kelly, Jr.
Deputy Under Secretary

FROM:

SUBJECT: Request for Delegation of Source Selection Authority

Background

Provide a brief synopsis of the acquisition, including total value as determined based on guidance in Part 15 of the NAHB. Identify previous or concurrent related acquisitions and proposed acquisition methodology.

Requested Delegation

Identify to whom, by name and title, the delegation of source selection authority is proposed to be made.

Factors for Consideration

Identify whether the Office of Inspector General has audited or investigated the proposed current acquisition or any predecessor acquisitions. Include an identification of any report issued, issues identified in any investigation or audit, and actions taken as a result of any such report or investigation.

Identify known or potential Congressional interest in the current or predecessor acquisitions.

Identify significant extraordinary acquisition activities (e.g., protests, injunctions, claims, disputes) on the current or predecessor acquisitions that may impact the acquisition.

Justification

Discuss the rationale for the delegation request.

CONCURRENCE:

A. Program Office Concurrence:

(Proposed Delegee) Date

B. Acquisition Concurrences:

Contracting Officer Date

Head of the Contracting Office Date

Director, Acquisition and Grants Office Date

C. Subject Matter Concurrences:

(Title) Date

(Title) Date

DECISION

Request for Source Selection Authority delegation is:

() Approved _____

() Disapproved _____

() Let's discuss _____

15.3 Local Clause - Representation, Certifications and Other Statements Of Offeror

Who CS, CO

What Representation, Certifications and Other Statements of Offerer

When Prior to award

Discussion:

The following Section H Clause is mandatory and shall be included in contract types:

H.xx REPRESENTATION, CERTIFICATIONS AND OTHER STATEMENTS OF OFFEROR

In accordance with FAR 15.204-1(b), the completed and submitted "Representations, Certifications, and Other Statements of Offeror" are hereby incorporated by reference in this resulting contract.

References: FAR Subpart 15.204-1(b)

15.4 Summary of Negotiations/Business Case Memorandum

Who CS, CO

What Preparation of Business Case Memorandum/ Summary of Negotiations

When Prior to award

Discussion:

15.4 Summary of Negotiations/Business Case Memorandum

Who CS, CO

What Preparation of Business Case Memorandum/ Summary of Negotiations

When Prior to award

Discussion:

The CS/CO shall prepare a Business Case Memorandum/Summary of Negotiations prior to award and include it in the contract file. The Memorandum/Summary shall include historical data a discussion of all elements of the negotiated agreement to include the prime's proposed prices, the government's negotiation objective, negotiated price, and details of any and all negotiations / discussions.

Memoranda/Summary's in support of change orders/modifications to the contract shall provide background information which clearly identifies an evaluation of proposed changes, alternatives considered, basis for decision, associated cost considerations, documentation of briefings concerning proposed decisions, findings and recommendations for those changes to the contract.

References: FAR Subpart 15