

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

<input type="checkbox"/> Presolicitation	<input type="checkbox"/> Preaward	REVIEW TYPE <input type="checkbox"/> Postaward
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Office of Acquisition	
Awarding Office	
Presolicitation or Contract Number	
Contract Specialist	
Contracting Officer	
Total Price/Estimated Cost	
Period of Performance	

Brief Description of Items or Services Being Acquired

SECTION A – Acquisition Planning

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Acquisition Planning				
A.1	Was adequate market research performed?	FAR 7.102; 10.001, 10.002; 12.101 (over Simplified Acquisition Threshold); HHSAR 307.71, 310				
A.2	Does File contain an adequate Acquisition Plan (AP), addressing all FAR and HHSAR requirements, including, as required, a discussion in the AP of Internet Protocol compliance?	FAR 7.105; HHSAR 307.71 (>\$500K – but see documentation requirements for <\$500K or other exceptions at 307.7101) HHS AP template				
A.3	Was acquisition plan developed by entire team and has each participant been identified in the AP?	FAR 7.102(b), FAR 7.105				
A.4	If RFI or exchanges with industry, were they conducted properly?	FAR 15.201				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.5	If contracting for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities in the U.S. & outlying areas, has the CO consulted the Disaster Response Registry at www.ccr.gov ?	FAR 4.1104, 7.103(v), 18.102. 26.205				
A.6	Has the CO used commercially available market research methods to identify the capabilities of small businesses and new entrants into Federal contracting that are available to meet the government's requirements for a contingency operation or defense against or recovery from nuclear, biological, chemical, or radiological attack and disaster relief, including debris removal, distribution of supplies, reconstruction and other disaster or emergency relief activities?	FAR 10.001(a)(2)(v)				
A.7	If multi-agency or intra-agency contracting is to be used, has sufficient market research been performed to consider relative merits/costs of available contracts and contracting offices to meet the requesting organization's need?	HHSAR 317.7002				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.8	Does the file contain evidence of PO and COTR, or as applicable, Program and/or Project Manager required training, or an authorization to perform these duties on interim basis?	HHSAR 301.604-301.607				
A.9	If solicitation for information or planning purposes, has it been conducted properly?	FAR 14.105, 15.201, HHSAR 315.201				
A.10	If brand name description used, specifying a particular brand name, product or feature of a product, peculiar to one manufacturer, was written justification prepared and approved?	FAR 6.303, 6.304				
A.11	If brand name or equal, does the purchase description cover the salient physical, functional or performance characteristics of brand name?	FAR 11.104				
A.12	Did the Government develop an independent government cost estimate and is it adequate?	FAR 7.105; HHSAR 307.7103				
A.13	Is there evidence of milestone planning/scheduling?	FAR 7.105(b)(20); HHSAR 307.7106				
A.14	Is there evidence of adequate funding or intent to commit funds?	HHSAR 307.7104				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.15	If funded with disaster assistance funds and requested by DHS, does the acquisition include requirement to display any fraud hotline poster applicable to specific project?	FAR 3.1003(b)(2)				
A.16	If requirement is potentially appropriate for Safety Act protections, is there evidence in the file that the program office obtained pre-qualification notice?	FAR 50.205-2(a)(3)				
A.17	If contract is award-fee type, does it include an award-fee plan that establishes the procedures for evaluating award fee and an Award-Fee Board for conducting the award-fee evaluation, which must be approved by the Fee Determining Official, and is the plan compliant with FAR?	FAR 16.401(e)				
A.18	If award fee contract, as part of the acquisition planning process, has the CO collected relevant data on award fee and incentive fees paid to contracts and included performance measures to evaluate such data and fees and is there documentation in the contract file?	FAR 16.401(f)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.19	Does AP discuss the rationale for the contract type selected and is type appropriate for the requirement?	FAR 7.103, 7.105, FAR 16.103; HHS AP template				
A.20	If other than firm fixed price contract is contemplated, is the acquisition plan approved and signed at least one level above the contracting officer?	FAR 7.103				
A.21	For other than firm-fixed price contracts, is there a discussion of strategy planned to transition to firm-fixed price contracts to the maximum extent practicable?	FAR 7.105				
A.22	If cost-reimbursement, does AP discuss why a level-of-effort, price redetermination or fee provision was included, as applicable?	FAR 16.103(v)				
A.23	If contract cannot be entirely firm-fixed price, has the contracting officer considered whether or not a portion of the contract can be established on a firm-fixed price basis?	FAR 16.104(e)				
A.24	If cost-reimbursement contract, does AP discuss appropriate Government surveillance during performance?	FAR 16.301-3(a)(4)(ii)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Small Business				
A.25	If exceeding specified thresholds, was acquisition plan coordinated with small business specialist (HHS-653)? If applicable, were proper appeal procedures followed?	FAR 7.104(d); HHSAR 319.501				
A.26	If CO rejects the SBS' or SBA PCR's recommendation, has the justification been documented on the HHS Form 353 and, if SBA PCR recommendation has been rejected, has the SBA PCR been timely notified?	FAR 19.202-1, FAR 19.505, HHSAR 319.501				
A.27	If this requirement was previously an SBSA, and its current size makes it unlikely for competition by SBs, or the requirement involves bundling, has coordination with SBA PCR taken place at least 30 days prior to release of RFP?	FAR 19.202-1(e)(1); 19.501(f) FAR 10.001				
A.28	If 8(a) contract is contemplated, has Offering Letter been sent to proper SBA District Office?	FAR 19.804				
A.29	If 8(a) acquisition, does requirement meet the test for a single source 8(a) acquisition? If over the threshold, is the requirement set up as competitive?	FAR 19.805-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.30	If award of 8(a) sole source contract over \$20 million, has JOFOC been written and approval obtained?	FAR 6.302-5; 6.303-1; 6.303-2; 19.808-1(a)				
A.31	Has 8(a) contract been considered?	FAR 19.203				
A.32	Has HUBZone set-aside been considered?	FAR 19.1305				
A.33	Has service-disabled veteran-owned small business (SDVOSB) set-aside been considered?	FAR 19.1405				
A.34	Has Women-Owned Small Business (WOSB) set-aside or Economically Disadvantaged Women-owned Small Business (EDWOSB) set-aside been considered?	FAR 4.803(a)(6), 4.803(a)(42), 6.207, 18.117, 19.402				
		Noncompetitive Contracts				
A.35	Has market research been accomplished to ensure that a noncompetitive contract is necessary?	FAR 10.002(b)(2)				
A.36	If other than full and open competition, has JOFOC been prepared and approved, and made publicly available as applicable?	FAR 6.303-1, 6.304, 6.305, HHSAR 306.3				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.37	If JOFOC under FAR 6.302-2, is the total period of a performance under the resulting contract not exceeding the time necessary to meet the unusual & compelling requirements, less than the time necessary to award the contract competitively, and not exceeding one year unless the head of the agency has determined that exceptional circumstances apply (det. may be made after contract award – see FAR 6.302-2(d)(5))	FAR 6.302-2(d)				
		Contract Type/Purchase Description/ SOW/SOO				
A.38	Is Purchase description/statement of work, specification, etc. adequate, encouraging competition or ensuring fair opportunity process, properly describing commercial products/services, if applicable, limiting use of “brand name or equal” unless justified, and following established purchase description order of preference?	FAR 11.002, 11.101(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.39	Did requirements documents and solicitations comply with the policy at FAR 11.002(d) regarding procurement of biobased products, products containing recovered materials, environmentally preferable products and services, including Electronic Product Assessment Tool (EPEAT)-registered electronic products, nontoxic or low-toxic alternatives, ENERGY STAR and FEMP-designated products, renewable energy, water-efficient products and non-ozone depleting products?	FAR 7.103, 11.101, FAR 23.1, 23.2, 23.4				
A.40	If applicable, is there a requirement to purchase recycled content and biobased products which meet or exceed the minimum recycled or biobased content of an EPA or USDA designated product?	FAR 23.403				
A.41	If construction, are requirements of E.O. 13514 included and does FedBizOpps notice contain the proper description?	FAR 5.207(c)(11), 36.104				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.42	If electronic commerce methods are not used, does solicitation state that contractors are required to submit paper documents to the Government related to the acquisition printed or copied double-sided on at least 30% postconsumer fiber paper?	FAR 4.302(b)				
A.43	If applicable, does solicitation for contractor-operation of Government-owned or leased facilities or vehicles located in the U.S. comply with EMS requirements?	FAR 23.9				
A.44	If requirement is for electronic products, are the Electronic Product Environmental Assessment Tool (EPEAT) standards being used?	FAR 23.705				
A.45	If Government property is to be furnished to contractor, did CO assure that required criteria are met?	FAR 45.102				
		Services				
A.46	Is there documentation that the services, if applicable, do not represent an inherently governmental function?	FAR 7.503; 11.106				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.47	Was Wage Determination (WD) obtained from the Wage Determinations on-line (WDOL) site (www.dol.gov), or if a general WD was not available from DOL, did CO request a WD from DOL on SF 398 at least 45 days prior to issuing RFP?	FAR 22.404-1, 22.404-3 (over \$2,000)				
A.48	Has CO given consideration as to whether the use of a project labor agreement is appropriate for the construction project, and, if so, included the proper language in the solicitation?	FAR 22.5 (applicable to construction projects >\$25 million)				
A.49	If services, has a performance-based acquisition (PBA), including PBA SOW, been written and has the acquisition plan discussed the strategies for implementing a performance-based acquisition (including associated measures, incentives, if any, and quality surveillance plan)?	FAR 7.105, 37.102, 37.6; HHSAR 307.105 HHS AP				
A.50	If PBA for services and other than a firm-fixed price basis, has rationale been documented?	FAR 7.105(b)(4)				
A.51	If services and a PBA acquisition is not being contemplated, has the acquisition plan addressed the rationale for not using PBA?	FAR 7.105, 37.102, 37.6, HHS AP HHSAR 307.7105				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Bundling				
A.52	Does Acquisition Plan address bundling, and if anticipated, was market research conducted to determine whether bundling was necessary and if so, was it justified and approved?	FAR 7.107, 16.505(a), 19.202-1(e)(1)				
A.53	If bundled contract is anticipated, has notification to affected incumbent SB concerns taken place at least 30 days prior to release of RFP?	FAR 10.001(c)(1) & (2), 7.107(a); 19.202-1(e)(1)				
A.54	Has coordination of anticipated bundled contract taken place with HHS SBS and PCR?	FAR 19.202-1(e)(1)(iii)				
		Sources				
A.55	Has use of priority sources and existing contracts (i.e., FSS, IDIQ, GWACs) been considered?	FAR 8.002				
A.56	If interagency acquisition, have proper procedures been followed?	FAR 8.404, 17.501, 17.502, 17.503, 17.504				
A.57	Has consideration been given to setting aside a part of a multiple award contract for small business concerns?	FAR 12.207, 16.505(b)(2)(i)(F) 19.502-4, 19.811-3, 19.1309, 19.1407, 19.1506				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		EIT/EPA				
A.58	If acquiring EIT supplies/services, was Section 508 compliance assured, proper standards included in AP and SOW/PWS, or exception documented?	FAR 39.203; HHSAR 311.7001, 339.2				
A.59	If acquiring EIT supplies/services, including EIT deliverables such as electronic documents and reports), has a separate technical evaluation factor or a mandatory qualification factor been included in the RFP?	HHSAR 315.304				
A.60	If EIT products/services required subject to Section 508, are commercially available products/services be acquired to the maximum extent practicable while ensuring Section 508 compliance?	HHSAR 312.202(d)				
A.61	If EIT products/services do not meet some or all of the applicable Section 508 accessibility standards, has a commercial nonavailability exception determination been properly processed?	HHSAR 312.2, 339.203				
A.62	If requirement includes EPA designated items or services that contain recovered material (>10K), was compliance assured or exception documented? (see http://www.epa.gov/cpg)	FAR 23.405				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.63	If requirement includes USDA designated items containing biobased products or materials (http://www.usda.gov/bipreferred) has compliance been ensured or exception documented?	FAR 23.405(a)(2)				
		IT/FISMA ISSUES				
A.64	If access to federal facility is contemplated, have requirements of FAR and HHSAR been assured?	FAR 7.103(u); HHSAR 304.13				
A.65	If IT requirement, have agency planners complied with capital planning and investment control requirements in 40 USC 11312 and OMB Circular A-130?	FAR 7.103(t)				
A.66	If IT requirement, are IT security requirements in FISMA, OMB's implementing policies (including Appendix III of OMB Circular A-130) and NIST guidance and standards being followed?	FAR 7.103(u), 39.101, 39.106, HHSAR 304.13, 339.1, 339.2				
A.67	If commercial IT is being acquired, has exemption from Buy American Act been assured?	FAR 25.103(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.68	If IT requirement, are appropriate IT security policies and requirements, including use of common security configurations available from NIST at http://checklists.nist.gov incorporated in RFP?	FAR 39.101(d), HHSAR 339.1, 352.239-70				
		OCOI/COI				
A.69	If potential for OCOI/COI has been determined, did CO obtain assistance/advice of technical specialists and OGC in evaluating potential conflicts?	FAR 9.504(b) (required unless waived by agency head)				
A.70	If significant potential for OCOI/COI, has CO provided written analysis, recommended course of action, draft RFP provision and contract clause?	FAR 9.504(c); 9.506(b)(1)-(3) (required unless waived by agency head)				
		D&Fs/JUSTIFI- CATIONS				
A.71	If IDIQ >\$103M (including all options), is D&F approved by HCA in file?	FAR 16.504(c)(1)(ii)D				
A.72	If applicable, has D&F been executed for evaluation or non-evaluation of options?	FAR 17.202(a), 17.206				
A.73	If circumstances described at HHSAR 317.7003 or 317.7004 are present, have necessary D&Fs been prepared and approved?	HHSAR 317.7003, 317.7004				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.74	If submission of cost/pricing data >SAT but <\$700K, has approval been obtained?	FAR 15.403-4(a)				
A.75	If applicable, is there an approved D&F for use of a T&M or L/H contract?	FAR 16.601(c)				
A.76	If multi-year contracting used, has HCA determination been properly executed, or if conditions at HHSAR 317.105-1(b) are present, is SPE approval obtained and Congress notified, as applicable?	FAR 17.105-1, HHSAR 317.105, 317.108 (including interim HHSAR coverage)				
A.77	If options used as part of multi-year contract, is the performance of a non-severable service no longer than 5 years?	HHSAR 317.107				
A.78	If applicable, is there an approved D&F for use of a letter contract and has it been properly approved?	FAR 16.603-3(a), HHSAR 316.603- 3, OAMP Policy Letter 2004-01				
A.79	If RFP is to include Quantity Surveys, (FAR 52.236.16, Alt. 1), has determination been made at one level above CO?	FAR 36.516				
A.80	If liquidated damages planned, are they adequately documented as to their need, and not considered a penalty?	FAR 11.5				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.81	If acquisition meets the definition of “emergency acquisition flexibilities” have the available acquisition flexibilities or emergency flexibilities been considered, and if not, has the action as written been justified as to rationale for not using these flexibilities?	FAR Part 18				
A.82	If warranties determined appropriate, did CO consider criteria for use, are limitations stipulated and has approval been obtained?	FAR 46.703, 46.705, 46.704				
A.83	If a particular source is excluded from competition to establish or maintain alternative source(s), has determination been made and approved?	FAR 6.202(b), HHSAR 306.202				
A.84	If contract action with Government employee or business concern substantially owned or controlled by one or more Government employees, did CO obtain exception to policy?	FAR 3.602, HHSAR 303.602				
A.85	If COTS items being acquired, has the list of inapplicable laws been updated for the COTS items?	FAR Part 2, 12.103, 12.5				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.86	Did CO determine insurance levels against loss of or damage to Gov't. property and need for bonds?	FAR 28.306(b)(1)				
A.87	If Buy American Act –Construction Materials applies, has determination been made and approved?	FAR 25.202				
A.88	If an incentive-fee or award-fee type contract is being used, has the required D&F been executed and signed by the HCA, and is compliance with FAR assured?	FAR 16.404(b), 16.301-3, 16.401(e)(3)				
		Synopsis				
A.89	Has proper presolicitation notice been published?	FAR 36.213-2				
A.90	If no FAR exception, has the acquisition been properly published in the FedBizOpps?	FAR 5.101 (>\$25,000), 5.202, 5.203(a) (may be < 15 days-commercial items)				
A.91	If non-competitive acquisition under a FAR Part 6 exception requiring advertising in FedBizOpps, has the synopsis been issued or is a draft synopsis in file?	FAR 6.3, 6.4, 6.5, HHSAR 306.2, 306.3, 306.5				
A.92	If CO believes that advance notice is not appropriate, has memo been sent to HHS requesting relief from synopsisizing and has it been approved?	HHSAR 305.202				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.93	Did advance notice disclose magnitude of construction project in terms of price ranges?	FAR 36.204				
A.94	Is there a compliant presolicitation notice (or waiver)?	FAR 36.213-2(b) (unless waived by HCA)				
A.95	If brand name specifications were used was justification documented in file and posted to the GPE system (i.e., FedBizOpps [FBO]) with RFP?	FAR 6.302-1(c), 6.305, 11.105, OFPP Memo 4/17/06				
A.96	If notice in GPE (i.e., FBO) is not required, is file documented re: use of brand name specifications?	FAR 11.105, OFPP Memo 4/17/06				
A.97	If Small Business Sources Sought synopsis is used, has it been properly prepared?	HHSAR 319.202- 2				
A.98	If Safety Act is applicable, does pre-solicitation notice state that pre-qualification designation notice has been requested and either issued or denied by DHS? If designation notice has been issued, has it been incorporated into RFP?	FAR 50.205-2(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.99	If Safety Act is applicable, has the contracting officer determined whether a block designation or a block certification has been granted by DHS?	FAR 50.205-1(a)				
A.100	If RFI, have HHS standard instructions for this purpose been followed and “Special Notice” been used?	FAR 10.002(b)(2)(iii) and 15.201(d); HHSAR 315.201(e)(4), 319.202-2; RFI template (HHS APM 2009-1)				
A.101	If subject to Trade Agreements Act (TAA), has proper note been included in synopsis?	FAR 25.408				
		Evaluation				
A.102	Is a technical evaluation plan in the file, including the elements covered in HHSAR 315.305(a)(3) and approved at one level above the project officer?	HHSAR 315.305(a)(3)				
A.103	Are evaluation factors and significant subfactors tailored to acquisition and do they represent the key areas of importance and emphasis to be considered?	FAR 15.304(b)(1) HHSAR 315.204- 5(c)(2)				
A.104	Is price or cost an evaluation factor?	FAR 15.304(c)(1)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.105	Do evaluation factors and significant subfactors address quality of product/service?	FAR 15.304(c)(2)				
A.106	Does RFP include a statement that indicates, at a minimum, whether all evaluation factors, other than cost or price, when combined, are significantly more important, approximately equal in importance, or significant less important, than cost or price?	FAR 15.304(e)				
A.107	Is past performance an evaluation factor or is there documentation in the file as to why past performance will not be considered?	FAR 15.304(c)(3)(ii), HHSAR 315.204-5(c)(3) (competitive >SAT)				
A.108	Did evaluation factors and significant subfactors include extent of participation of SDB concerns in performance of the contract?	FAR 15.304(c)(4)				
A.109	If bundling and significant subcontracting opportunities exist, do evaluation factors/subfactors assure evaluation of offeror's past attainment of SB goals?	FAR 15.304(c)(3)(iii)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.110	If bundling and significant subcontracting opportunities exist, do evaluation factors/subfactors include evaluation of proposed SB goals in offeror's subcontracting plan?	FAR 15.304(c)(5)				
A.111	Do evaluation factors/subfactors assure that offerors are not unfavorably evaluated if telecommuting included, unless it prohibited and CO executed determination ?	FAR 15.304(c)(6), 7.108(b)				
A.112	Does RFP clearly state all factors and subfactors and their relative importance?	FAR 15.304(d), HHSAR 315.204-5(c)(1)				
A.113	If acquiring EIT, is there a separate technical evaluation factor or mandatory qualification criterion to determine offeror compliance with applicable Section 508 accessibility standards?	HHSAR 315.304				
		IDIQ				
A.114	If IDIQ, are multiple awards anticipated, or does the file document why a single award is contemplated?	FAR 16.504(c)				
A.115	If IDIQ, have procedures for ordering been included?	FAR 16.504				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.116	If IDIQ, have minimum and maximum quantities been included?	FAR 16.504				
A.117	If IDIQ, has period of performance been included?	FAR 16.504				
A.118	If establishment of GWAC, MAC or agency-specific contract anticipated and solicitation released after 12/31/2011, was business case developed & approved over \$250 million (FY13- approval threshold is \$100 million, FY 14 approval threshold is 50 million, and is Part I of the business case posted on the "Business Case Community Page" in MAX (https://max.omb.gov/community/x/b5G81Q) ?	OFPP Memorandum dated 9/29/11				
		Misc. Issues				
A.119	Does the RFP include time of delivery or performance schedule?	FAR 11.4				
A.120	If Project Officer restricts place of performance for any part of an SOW/PWS, has proper determination been made, concurred in by the CO and specified in the solicitation and contract?	HHSAR 307.108-70				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.121	If lease, is there a record of a lease or buy determination?	FAR 7.401				
A.122	If contract will involve safety/health issues, are proper clauses included?	HHSAR 323.7002				
A.123	Has requisition been entered into I-Procurement (or for NIAID – into AMBIS)?	NBS Requirement				
A.124	If bonds/and or insurance are required, is proper information included in AP and RFP?	FAR 28.000				
A.125	If advisory multi-step process is used, is there compliance with procedures?	FAR 15.202				
A.126	If applicable, when Earned Value Management System is to be used, has the acquisition plan complied with procedures or has agency head exemption been obtained if CO determined not to use value engineering clause?	FAR 7.105(b)(3) and (10), FAR 34.2; HHS Earned Mgmt. Value Policy-OCIO Policy for IT EVM Procedures				
A.127	Does acquisition meet test to be considered commercial item under defense against or recovery from nuclear, biological, chemical or radiological attack, or does it meet the test under FAR 12.102(g)(1)?	FAR 12.102(f)(1), 12.102(g)(1), 18.2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
A.128	Is there evidence of an internal file review?	NIH Manual 6304.71				
A.129	If applicable, are the policies regarding the funding of contracts exceeding one year of performance, including Interim HHSAR coverage, being followed?	HHS Acquisition Policy Memorandum 2010-1, Interim HHSAR Coverage at 307.7108, 317.1, 332.7, 352.232-70, 352.272-71, 352.272-72. NCI Workform				

SECTION B – SOLICITATION PHASE

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		RFP				
B.1	Does RFP include proper NAICS code and size standard?	FAR 19.303(a)				
B.2	If solicitation period consistent with FAR 5.203?	FAR 5.203 (includes competitive 8(a) acquisitions)				
B.3	Are date, place and time for receipt of proposals clearly stated on face page of RFP	FAR 15.204-2				
B.4	Does RFP include period of performance?	FAR 11.4, 36.213-3(c)				
B.5	If electronic commerce was used to issue RFP and receive proposals, did RFP specify permitted electronic methods?	FAR 15.203(c)				
B.6	Is RFP issued on SF 1442 and are proper provisions and clauses included?	FAR Part 36, 52.301 Matrix, NCI RFP Workform (DGS)				
B.7	If Buy-American Act –Construction Materials under Trade Agreements clause is used, has a list of all foreign construction material excepted from the requirement of the Buy American Act, other than designated country construction material been placed in paragraph (b)(3) of the clause?	FAR 25.1102; 52.225-11				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.8	Does RFP include disclosure of magnitude of construction?	FAR 36.204				
B.9	If oral RFP used, is there compliance with FAR?	FAR 15.203(f)				
B10	If RFP included Quantity Surveys (FAR 52.236.16, Alt. 1), has determination been made one level above CO?	FAR 36.516				
B.11	If letter contract used in a sole source acquisition, is there compliance with FAR requirements?	FAR 15.203(e)				
B.12	If liquidated damages are used, is the clause proper?	FAR 11.503				
B.13	Does RFP include appropriate Buy American Act clauses and a list of any construction material not applicable to Buy American Act requirements?	FAR 25.1102				
B.14	Does the RFP contain the proper wage determination or a statement that it will be included later?	FAR 22.404-3, 22.404-4(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.15	If contract will require contractor to have physical access to a federally-controlled facility or access to a federal information system, has FIPS PUB 201, associated OMB guidance, and requirement for inclusion of proper clause been followed?	FAR 4.13 and 52.204-9; HHSAR 304.13, 339				
B.16	Does RFP include arrangements made for site inspection and examination of data concerning performance of work?	FAR 36.210, 35.213-3(c)(5)				
B.17	Does RFP include information concerning facilities to be furnished during construction?	FAR 36.213-3(c)(6)				
B.18	Does RFP include information concerning pre-proposal conference, if applicable?	FAR 36.213-3(c)				
B.19	Does RFP include special qualifications or experience requirements to be considered in determining responsibility of offerors, if applicable?	FAR 9.1, 36.213-3(c)(8)				
B.20	If applicable, are samples specified as required?	FAR 14.202-4				
B.21	If applicable, is descriptive literature specified as required?	FAR 14.202-5				
B.22	If applicable, are qualified products specified as required?	FAR 9.2, 14.210				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.23	Does RFP include special instructions concerning proposals, alternate proposals and award?	FAR 36.213-3(c)(9)				
B.24	If applicable, does RFP include instructions concerning reporting requirements?	FAR 36.213-3(c)(10)				
B.25	If firm fixed-price construction contract used, did RFP include pricing (a) on a lump-sum basis, (b) a unit-price basis or (c) a combination of the 2 methods?	FAR 36.207				
B.26	Is there compliance with statutory cost limitations, as applicable?	FAR 36.205				
B.27	If applicable, did RFP include minimum amount (%) of work the contractor must perform with its own forces?	FAR 36.501				
B.28	If hazardous materials required, has FAR 52.223-3 been included?	FAR 23.303(a)				
B.29	If commercial IT is being acquired under this construction contract, is exemption from Buy American Act assured?	FAR 25.103(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.30	If applicable, does SOW/PWS permit offerors or contractors to specify their own place(s) of performance (hence authorize their employees to telecommute) (unless PO restricts place of performance and so justifies and CO concurs)?	FAR 7.108, HHSAR 307.108-70				
B.31	If foreign construction acquisition, is it clear that the restriction on purchasing foreign construction material does not apply to the acquisition of information technology when using FY 2004 or later funds?	FAR 25.202				
B.32	If applicable, has the proper language regarding Personal Identity Verification been included in the solicitation?	HHSAR 304.13, NCI Workform				
B.33	If payment is contemplated to be made using the Government-wide commercial purchase card, have proper clauses been included?	FAR 32.1108				
B.34	If brand name specifications used, did RFP include required justification or documentation?	FAR 6.302-1(c)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.35	If CO determined that RFP contained information that required additional controls to monitor access and distribution (e.g., technical data, specifications, maps, building designs, schedules, etc.), was information made available through the enhanced controls of the GPE, unless exempt?	FAR 5.102(a)(4) (over \$25K)				
B.36	Does the RFP include requirement for contractor code of business ethics and conduct, and a hotline poster display, as applicable?	FAR 3.10				
B.37	If contract or order (including task or delivery order) exceeds simplified acquisition threshold, and is a cost reimbursement type contract/order, have the proper clauses regarding Limitations on Pass-Through Charges been included?	FAR 15.408, 52.215-22, 52.215-23				
B.38	If required, does solicitation include requirement for bonds/insurance?	FAR 28				
B.39	Does IFB include annual reps & certs?	FAR 4.1202 and 52.204-7				
B.40	If PBA methods used, is a Performance Work Statement (PWS) or Statement of Objectives (SOO) included in IFB, as well as a Quality Assurance Surveillance Plan (either in IFB or to be developed by offeror)?	FAR 37.604, 46.401(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		OCOI/COI				
B.41	If potential conflict of interest involved, does solicitation include appropriate provisions?	FAR 9.504(b), 9.506(d); NIH Manual 6009-1				
		RFP Amendments				
B.42	If oral notice of RFP amendment is used, is there compliance with FAR?	FAR 15.206(f)				
B.43	If RFP is amended, have amendments been sent to all parties receiving the RFP and was closing date extended if necessary?	FAR 15.206				
B.44	If modification of wage determination – has it been handled properly in RFP?	FAR 22.404-6, 22.407(a)(8)				
		Evaluation				
B.45	Does RFP include factors and significant subfactors to be used to evaluate proposals, and their relative importance?	FAR 15.203(a)(3), HHSAR 315.204-5(c)				
B.46	If applicable, has a price evaluation adjustment for HUBZone concerns been included?	FAR 19.1307				
B.47	If applicable, has a price evaluation adjustment for SDB concerns been included?	FAR 19.1102, 19.1103				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.48	If multi-year contracting method, did RFP include all factors to be considered for evaluation, and all required clauses?	FAR 17.106-2, 17.109				
B.49	Does RFP provide basis for award?	FAR 15.304				
		Options				
B.50	If options included, did CO justify and document in contract file?	FAR 17.205				
B.51	If options included, does the RFP provide the basis for evaluation?	FAR 17.203(b), HHSAR 317.201				
B.52	If options included, does the RFP limit the term to 10 years for services (except those subject to SCA – 5 years), and 5 years for supplies? (N/A for IT contracts and R&D contracts)	FAR 17.204(e), HHSAR 317.204(e)				
B.53	If options included, is provision at FAR 52.217-5 included?	FAR 17.202(a)				
B.54	If option to extend term of contract is included, did RFP include a method to provide allowance for increases/decreases in labor costs resulting from inclusion of current WDs upon exercise of options?	FAR 22.404-12				
B.55	If options are used as a part of multi-year contract, has performance of non-severable services been limited to 5 years?	HHSAR 317.107				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		IDIQ				
B.56	If IDIQ contract contemplated, are multiple awards being made or is there a justification for a single award?	FAR 16.5				
B.57	Does the RFP specify the period of performance, the minimum and maximum quantities, procedures for fair opportunity, etc. necessary under IDIQ contracts?	FAR 16.504(a)				
		Cost/Pricing Data – Non- FP				
B.58	Does RFP adhere to pricing policy and used order of precedence for determining type of certified cost or pricing data required? Did CO comply with prohibition on obtaining cost or pricing data?	FAR 15.402, 15.403-1				
B.59	If RFP will waive requirement for certified cost or pricing data, has HCA approved waiver?	FAR 15.403- 1(c)(4)				
B.60	Does RFP include instructions for submission of certified cost or pricing data or data other than certified cost or pricing data (information)?	FAR 15.403(5)(a)(1)- (4)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.61	If submission of certified cost or pricing data or data other than certified cost or pricing data is required, does RFP state that such data can be submitted in offeror's own format?	FAR 15.403-5(b)(2) (unless CO determines a specific format is essential)				
B.62	If cost-reimbursement contract is used, is RFP appropriately structured as Level of Effort or Completion type and is proper language used?	FAR 16.3				
B.63	If RFP will require submission of certified cost or pricing data >\$150K but <\$700K, has HCA authorized CO to obtain the data?	FAR 15.403-4(a)(2)				
		PROPERTY				
B.64	If Government property offered, does RFP include a listing of property with minimum information stated?	FAR 45.102, 45.201(a)				
B.65	If Government property offered in a competitive acquisition, does RFP state that contractor is responsible for all costs related to making the property available for use?	FAR 45.201(b)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
B.66	If Government property was offered, did RFP include evaluation procedures to be followed and require offerors to submit specified information with their proposal?	FAR 45.201(c)				
B.67	If use of Government property was anticipated on more than one contract, did SOW include additional instructions regarding property management, accountability and use?	FAR 45.201(d)				
		Misc. Issues				
B.68	If PBA methods used, is a Performance Work Statement (PWS) or Statement of Objectives (SOO) included in RFP, as well as a Quality Assurance Surveillance Plan (either in RFP or to be developed by offeror)?	FAR37.604, 46.401(a)				
B.69	If solicitation included Quantity Surveys (FAR 52.236-16, Alt. 1), has determination been made one level above co?	FAR 36.516				

SECTION C – RECEIPT, EVALUATION AND AWARD

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Receipt				
C.1	Have proposals been received no later than time set for receipt of offers, and if not, are late proposals handled properly?	FAR 15.208, HHSAR 315.208				
C.2	Are proposal modifications, revisions, or withdrawals handled properly?	FAR 15.208, HHSAR 315.208				
C.3	If electronic proposals were permitted, were any unreadable electronic bids handled properly?	FAR 15.203(c)				
		Evaluation				
C.4	If unsolicited proposal, were procedures appropriately followed?	FAR 15.6, HHSAR 315.6				
C.5	Do at least 50% of HHS evaluators have appropriate training?	HHSAR 307.170- 2				
C.6	If past performance is an evaluation factor, has it been properly evaluated?	FAR 15.305				
C.7	Was technical evaluation conducted in accordance with stated evaluation factors?	FAR 15.305(a)(1), 15.404-1(a)-(c)				
C.8	Were any restrictions on disclosure of descriptive literature handled properly?	FAR 15.306(e)(2), HHSAR 315.305(a)(3)(ii) (F)(3)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.9	Were restrictions on use of support contractor personnel for proposal evaluation complied with?	FAR 15.305(c), 37.203(d)				
C.10	Was cost information furnished to members of technical panel?	FAR 15.305(a)(4), 15.404-1(e)				
C.11	If option quantities or periods were solicited, was proper evaluation conducted?	FAR 17.206				
C.12	Has http://www.ppirs.gov/ (to access FAPIIS) been used to check past performance and have proper procedures been followed when using FAPIIS for a responsibility determination?	FAR 9.104-6				
C.13	If nonresponsibility determination made have proper procedures been followed and has information been documented in FAPIIS?	FAR 9.105- 2(b)(2), 9.104-6,				
C.14	Is a technical evaluation report in the file and does it contain a report of relative strengths and weaknesses of each offeror?	FAR 15.305, HHSAR 315.305(a)(3)(vi)				
C.15	Are evaluators' certifications in the file?	HHSAR 315.305(a)(3)(ii)(E)(2) and (3)				
C.16	Was small business subcontracting evaluation accomplished properly?	FAR 15.305(a)(5)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.17	Has the Project Officer completed the Project Officer Technical Evaluation Questionnaire and have his/her comments been taken into account during negotiations?	HHSAR 315.306, NIH Manual 6015-1 and 6315-1				
C.18	If foreign construction material was proposed, was appropriate percentage applied to price for evaluation purposes?	FAR 25.204				
C.19	If EIT products/services are being acquired, before conducting negotiations or making award, has CO provided a summary of the TEP's assessment of offeror responses to the RFP's evaluation factor for review by the Section 508 Official or designee and has that Official indicated approval/disapproval of the TEP's assessment? Has CO coordinated resolution of issues, as applicable? Is the approved assessment in the official contract file, or an exception determination obtained?	HHSAR 315.304(b); 339.203				
C.20	Does the contract, as applicable, include language regarding GAO's right to interview current contractor employees when conducting audits?	FAR 15.209(b); FAR 52.215-2 (Use Alt. 1 if Recovery Act funds are used)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.21	If COTS is being acquired, has the component test of the Buy American Act-Construction Materials been waived, as required?	FAR 25.2, 12.505				
C.22	If applicable, did proposal evaluation consider any potentially unfair competitive advantage resulting from possession of Government property by adjusting offers to apply, for evaluation purposes only, a rental equivalent evaluation factor?	FAR 45.202(a)				
C.23	If Government property is to be used by contractor, did CO ensure that the offeror's property management plans, methods, practices, or procedures for accounting for the property were consistent with RFP requirements?	FAR 45.202(b)				
C.24	If economic price adjustment proposed by either offeror or Government, was evaluation handled properly?	FAR 15.4				
		Communications				
C.25	If award to be made without discussions, were exchanges limited to clarifications?	FAR 15.306(a)				
C.26	Have communications held with offerors before establishment of competitive range been compliant?	FAR 15.306				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Competitive Range (for competitive RFPs)				
C.27	Has competitive range determination been sufficiently documented?	FAR 15.306(c)				
C.28	Has notice been given to offerors excluded from competitive range or otherwise eliminated from competition?	FAR 15.503(a)(1)				
		Discussions				
C.29	Have exchanges with offerors after establishment of competitive range followed stipulated procedures?	FAR 15.306(d) and (e), HHSAR 316.306(d)				
C.30	Have proposal revisions/final proposal revision been handled properly?	FAR 15.307, HHSAR 315.307				
C.31	Have any finalization of details with the selected source taken place, and if so, are they in accordance with established guidelines?	HHSAR 315.370				
		Cost Analysis				
C.32	Has cost analysis, price analysis, cost realism been performed as required?	FAR 15.404, HHSAR 315.404-2				
C.33	If cost analysis was performed, is there adequate evaluation of negotiated direct labor costs?	FAR 31.202; OMB Circular A-21				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.34	If cost analysis was performed, is there adequate evaluation of negotiated fringe benefit costs?	FAR 31.202; OMB Circular A-21				
C.35	If cost analysis was performed, is there adequate evaluation of negotiated materials and supplies costs?	FAR 31.202; OMB Circular A-21				
C.36	If cost analysis was performed, is there adequate evaluation of negotiated other direct costs?	FAR 31.202; OMB Circular A-21				
C.37	If cost analysis was performed, is there adequate evaluation of negotiated indirect costs?	FAR 31.202; OMB Circular A-21				
C.38	If indirect costs proposed meet the definition of “excessive pass-through charge”, are they considered unallowable?	FAR 31.203				
C.39	If applicable, was the Salary Rate Limitation correctly applied and is the Salary Rate Limitation clause included in the contract?	HHSAR 331.101-70				
C.40	If cost analysis report has been provided from DFAS or through field pricing information, have recommendations been followed or has the file been documented justifying why the recommendations were not followed?	FAR Part 15, NIH Manual 6015-1				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.41	Has subcontract pricing been appropriately considered?	FAR 15.404-3				
C.42	Has profit been adequately analyzed?	FAR 15.404-4, HHSAR 315.404-4				
C.43	If certified cost or pricing data was required, did contractor execute a proper Certificate of Current Cost or Pricing Data?	FAR 15.406-2				
C.44	If certified cost or pricing data waived, is waiver in accordance with stipulated guidelines?	FAR 15..403-1(c)(4)				
C.45	If CO learned that any certified cost or pricing data was inaccurate, incomplete, or noncurrent, is there compliance w/ procedures in FAR?	FAR 15.407-1				
		OCOI/COI				
C.46	If COI existed that could not be avoided or mitigated, did CO notify contractor, provide reasons and allowed the contractor a reasonable opportunity to respond?	FAR 9.504(e)				
C.47	Has CO resolved any conflict, or potential conflict of interest before contract award?	FAR 9.506(d), 9.503				
C.48	If CO found that it was in best interest of the Government to award contract notwithstanding a COI/OCOI, was a written waiver obtained?	FAR 9503, 9.504(e)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.49	As applicable, has CO ensured that covered contractor employees performing acquisition functions closely associated with inherently governmental functions have proper procedures in place?	FAR 3.1103, 3.1106, 52.203-16				
		Negotiations				
C.50	Have prenegotiation objectives, including profit or fee objectives been established?	FAR 15.406-1, 15.404-1, 315.404-4				
C.51	Were written final proposal revisions requested with common cut-off date?	FAR 15.307				
		Award				
C.52	If award being made to country identified on List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (www.dol.gov/ilab/) has proper certification been obtained?	FAR 22.1503				
C.53	Does award document include all required clauses for the type of contract used?	FAR 52.301, NCI Workform (DGS)				
C.54	If applicable, have procedures for TAA acquisitions been followed and have the proper notifications to unsuccessful WTO offerors been prepared?	FAR 25.408; FAR 25.5				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.55	If applicable, has Buy American Act determination been made and approved?	FAR 25.103(b)(2), HHSAR 325.102(a)				
C.56	If applicable, has the requirement to use E-Verify been included?	FAR 22.1803, 52.222-54				
C.57	Has price reasonableness been established, based on adequate price competition, prices set by law or regulation, commercial items?	FAR 15.406-3, HHSAR 315.372				
C.58	Is an adequate, signed negotiation memorandum (“Summary of Negotiations”) in the file?	FAR 15.406-3, HHSAR 315.372				
C.59	Does Summary of Negotiations adequately address negotiated amounts for each contract period?	FAR 15.406-3(a)(7),(8), HHSAR 315.372(g)				
C.60	Is Summary of Negotiations internally consistent with the cost/price amounts for each contract period and with the contract document?	FAR 15.406-3(a)(7), (8); HHSAR 315.372(g)				
C.61	If Facilities Capital Cost of Money was proposed/negotiated, was a dollar-for-dollar offset made to fee or profit objective?	FAR 31.205-10				
C.62	Was affirmative determination of responsibility (including financial responsibility) made?	FAR 9.103(b), 9.104-1; HHSAR 315.372				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.63	Is there adequate documentation in file to support responsibility determination (e.g, current balance sheet analysis with financial ratios computed, a current D&B report, line of verifications, etc.)?	FAR 9.104-1				
C.64	If non-responsible offer from small business, was nonresponsibility determination referred to SBA?	FAR 9.103				
C.65	If applicable, were offerors provided current wage determination prior to submission of final proposal revision and is it included in the contract?	FAR 22.404-2				
C.66	If project wage determination, did CO ensure award prior to its expiration?	FAR 22.404-5(a)				
C.67	If protest before award, was it handled properly?	FAR 19.305, 19.306, 19.307, 19.308, 33.1, NIH Manual 6033-1 and 6033-2				
C.68	If agency protest, were OGC and NIH PCO consulted and did they concur with response prepared by contracting officer?	HHSAR 333.103,				
C.69	Was Excluded Parties List System (EPLS) checked?	FAR 9.405(d)(1) & (4)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.70	If SBSA, or if SDB received benefit based on disadvantaged status, or if using HUBZone procedures, or if using service-disabled veteran-owned procedures, or if using WOSB procedures, was there a proper preaward notice to offerors, unless CO made determination of urgency?	FAR 15.503(a)(2)(i)(A), (B), (C), (D), (E)				
C.71	If HUBZone contract, is contractor spending at least 50% of the cost of contract performance incurred for personnel on its own employees or subcontract employees of other HUBZone small business concerns (unless waived) and is the awardee a HUBZone small business at both time of initial offer and time of award?	FAR 19.1303(d), 19.1308				
C.72	If task/delivery order contract over \$103 million is to be awarded to a single source, has HCA approved the determination?	FAR 16.504(c)(6)(D) (1)				
C.73	Was there an approved subcontracting plan, if applicable?	FAR 19.702)a)(2) (req. for LB award over \$550K)				
C.74	If subcontracting plan is applicable, has it been included as a part of the contract?	FAR 19.705- 5(a)(5)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.75	Are proper bonds/insurance in file and documented?	FAR 28.000				
C.76	If PBA, did CO ensure that contract includes a PWS, measurable performance standards, a method of assessing contractor performance against performance standards, and performance incentives, if appropriate?	FAR 37.601				
C.77	Was EEO Clearance received?	FAR 22.805 (required >\$10M exc. Construction				
C.78	Are contractor's Representations and Certifications (Reps & Certs) complete and accurate or, if used, are electronic Reps & Certs referenced in contract file adequate?	FAR 4.803(a)(11), 4.1201, 15.204- 5				
C.79	If applicable, are performance-based finance payments established in contract only to extent actually needed for performance?	FAR 32.1004(b). 32.104				
C.80	If letter contract and based on price competition, price ceiling established and is definitization schedule included in contract and is it appropriate and compliant?	FAR 16.603- 2(b) and (c); HHSAR 316.603				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.81	Is there written assurance that adequate funds are available (funds certification), or is award conditioned on availability of funds?	FAR 32.702, 32.703-2				
C.82	Is contract signed by a warranted CO and is amount within his/her authority?	FAR 1.601, 4.101				
C.83	Is there evidence of an internal file review of contract and documentation?	NIH Manual 6304.71				
C.84	Is draft FedBizOpps Award Notice in file?	FAR 5.301 (required >\$25K)				
C.85	Is draft public award announcement (“Congressional Liaison Officer”) in file?	FAR 5.303(a), HHSAR 305.303(a) (required > \$3.5M)				
C.86	Has CO assured that contractor is in CCR?	FAR 4.1103, 19.1503				
C.87	Has CO entered contract into Prism/Compusearch (NBS) and completed DCIS documentation within the required timeframes?	FAR 4.604(b); HHSAR 304.602, NBS				
C.88	Has source selection information been appropriately marked?	FAR 3.104-4				
C.89	If requested, was compliant preaward debriefing conducted, and documented?	FAR 15.505				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.90	If advance payments are appropriate is executed D&F in file?	FAR 32.402(c)				
C.91	Is contract-specified timetable consistent with planned phases or increments and corresponding allotments of funds?	HHSAR 332.703-1(b)(2)				
C.92	Does contract contain precise requirements for progress reports, if applicable?	HHSAR 332.703-1(b)(7)				
C.93	Did CO ensure that construction contract was not awarded to a firm or subsidiary that designed the project without approval of HCA?	FAR 36.309				
C.94	Did Co ensure that statutory cost limitations were not exceeded, if applicable?	FAR 36.205(a)				
C.95	If contract action with Government employee or business concern substantially owned or controlled by one or more Government employees, did CO obtain exception to policy?	FAR 3.602, HHSAR 303.602				
C.96	If award fee contract, is it compliant with limitations in FAR?	FAR 16.401(e)(5), 16.301-3, 16.401				
C.97	If award fee contract, has award fee plan been established outlining the procedures for evaluating award fee and Award Fee Board established for conducting this evaluation?	FAR 16.401				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.98	If applicable, did CO properly report violation or possible violation of Procurement Integrity Act?	FAR 3.104-7; HHSAR 303.104-7				
C.99	If applicable, were suspected/reported violations of the Covenant Against Contingent Fees reported properly?	FAR 3.405; HHSAR 303.405				
C.100	If applicable, has the proper language regarding Personal Identity Verification been included in the contract?	HHSAR 304.13				
C.101	If the Government-wide commercial purchase card will be used as the method of payment, has the contracting officer verified in the CCR whether the proposed contractor has any delinquent debt subject to collection under the Treasury Offset Program (TOP) http://fms.treas.gov/debt/index.html ?	FAR 32.1108(b)(2)				
C.102	Has the contracting officer assured that no funds are obligated or expended if the contractor has not submitted a required annual VETS-100 with respect to the preceding fiscal year if applicable (http://www.vets100.com/login.aspx)?	FAR 22.1302				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
C.103	Has the contracting officer assured that no prohibited sources are receiving an award?	FAR 25.7				
C.104	If multi-year contract includes a cancellation ceiling in excess of \$12.5 million, has Head of Agency provided appropriate written notification of proposed contract and proposed cancellation ceiling and made the award no earlier than 31 days after notification?	FAR 17.108, HHSAR 317.108				
C.105	If the contract is for non-severable services, has the prohibition against the use of incremental funding been followed?	HHS Acq.Policy Memo 2010-01, “Guidance Regarding Funding of Contracts Exceeding 1 Year of Performance”; HHSAR 332.702-70				
C.106	If applicable, is the guidance at HHS Acquisition Policy Memo 2010-01 being correctly applied?	HHS Acq. Policy Memo 2010-01, “Guidance Regarding Funding of Contracts Exceeding 1 Year of Performance”; HHSAR 332.7				

C.107	Is source selection proper and sufficiently documented?	FAR 15.308				
C.108	Does contract reflect agreement of the parties?	HHSAR 315.371(a)(2)				
C.109	If appropriate, are CAS clauses included in contract?	FAR 30.201-4, Appendix 9903-2				
C.110	Has written postaward notice been provided within 3 days after contract award to each offer in competitive range but not selected for award?	FAR 15.503(b)				
C.111	Has preaward notice been made to offerors when using HUBZone procedures or service-disabled veteran-owned procedures?	FAR 15.503(a)(2)(i)(C) and (D)				
C.112	Has preaward notice been given to offerors if SDB concern received benefit based on disadvantaged status?	FAR 15.502(a)(2)(i)(B)				
C.113	If applicable, is there a record of the debriefings in contract file?	FAR 15.506				

SECTION D – Contract Administration

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.1	Is preconstruction conference held or is there an explanatory letter of significant matters issued?	FAR 22.406-1, 36.212				
D.2	If performance/payment bond required, did contractor furnish before notice to proceed issued?	FAR 28.103-1				
D.3	Did contractor furnish certificate of insurance prior to Notice to Proceed?	FAR28.306(b)				
D.4	Has Notice to Proceed been issued and acknowledged?	FAR 11.104(b), 36.213-4, 52.211-10				
D.5	If letter contract or undefinitized action, was contract definitized in a timely manner?	FAR 16.603				
D.6	Is COTR designated in writing prior to award, along with responsibilities and does COTR/PO have training in accordance with FAR and HHSAR requirements or was waiver obtained?	FR 1.602-2; HHSAR 301.604-70, 301.604-74, 301.605, 301.606				
D.7	Has compliant postaward debriefing been held if requested and is there a record in the file?	FAR 15.506				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.8	If award was noncompetitive under FAR 6.302-1 or 6.302-2, or 6.302-5(b)(4), has the required justification (JOFOC) been made available at the agency website and www.fedbizopps.gov within the required time after award, and properly edited?	FAR 6.302-1, 6.302-2, 6.302-5(b)(4)				
D.9	If FAR 52.219-28 was included in contract, did contractor represent its size status upon occurrence of events stipulated, and was the representation timely?	FAR 19.301-2(b); 19.308(d), 52.219-28(b)				
D.10	If FAR 52.219-28 included in contract and contractor represented a changed size status to other than small, was contract properly modified and reported in DCIS/FPDS?	FAR 19.301-2(d)				
D.11	Is contractor size status representation validated or updated in the ORCA and its data in the CCR also updated to reflect current status?	FAR19.308(d), FAR 52.219-28				
D.12	Has contractor updated information in the FAPIIS on a semi-annual basis throughout life of contract?	FAR52.209-8 (Req. > \$500K)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.13	If prime contractor with contract for noncommercial items in excess of \$5 million conducts a procurement under the contract that exceeds the simplified acquisition threshold (when acting as a purchasing agent for the Government, has the contractor performed market research?	FAR 44.402(b)				
D.14	If task/delivery order under IDIQ in excess of simplified acquisition threshold, has market research been conducted prior to placing order?	FAR 10.001(a)(v)				
D.15	If task/delivery order over \$5M under IDIQ, does requirement sent under fair opportunity provide proper information?	FAR 16.505(a)(9)(b)(ii)				
D.16	If task/delivery order over \$5M under IDIQ, has CO properly notified unsuccessful offerors?	FAR 16.505(b)(4)				
D.17	If task/delivery order does not provide fair opportunity, has proper statutory exception been cited and determination made?	FAR16.505(2)				
D.18	If task/delivery order over \$3,000 but not over SAT, and if exception to fair opportunity is logical follow-on (FAR 16.505(b)(2)(i)(C), has CO documented file properly?	FAR 16.505(b)(2)(i)(C)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.19	If task/delivery order over SAT and exception to fair opportunity is used, is justification properly completed and approved at the proper level, and is file properly documented?	FAR 16.505(b)(2)(ii)				
D.20	If task/delivery order over SAT and exception to fair opportunity is used, has posting requirement been properly followed?	FAR 16.505(b)(2)(ii)(D)				
D.21	If task or delivery order over simplified acquisition threshold is against a contract awarded by another Federal agency (i.e., GWAC or MAC), has past performance evaluation been performed?	FAR 45.1502				
D.22	As applicable, has CO bilaterally modified task order/delivery order contract to include FAR 52.203-16 regarding conflicts of interest?	FAR 3.1103, 3.1104, 3.1105, 3.1106; 52.203- 16				
D.23	If IDIQ contract and remaining period of performance extends beyond 3/8/2010, and amount of work or number of orders expected under remaining performance period is substantial, has bilateral modification to include FAR 52.222-54 been executed?	FAR 22.1803, 52.222-54, CAAC Letter 2009-03, dated 9/3/09				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.24	Has the CO reported to FAPIIS (through www.cpars.csd.disa.mil) on the integrity and performance of covered Federal agency contractors, and, as applicable, entered a non-responsibility determination?	FAR 9.104-7; 42.1502				
D.25	If progress payments based on costs are used, and payments are reduced or suspended, has the contracting officer taken proper action and documented the contract file?	FAR 32.503-6 (See FAR 32.500 for applicability)				
D.26	If progress payments based on costs are used, are the progress payments commensurate with fair value of work accomplished or, if not, are the progress payments adjusted as required?	FAR 32.503-6(f) and (g) (see FAR 32.500 for applicability)				
D.27	If progress payments are used, has the limitation on making such payments been correctly determined?	FAR 32.501-3 (See FAR 32.500 for applicability)				
D.28	If applicable, has the CO identified and demanded payment of a contract debt?	FAR 32.603, 32.604				
		PROTESTS				
D.29	If protest after award has CO determination for agency protest been handled timely?	FAR 33.104				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.30	If applicable, has D&F to allow performance been properly approved?	FAR 33.104(c) & (d), HHSAR 333.104(c) & (d), NIH Manual 6033-2				
D.31	If protest after award, has CO obtained concurrence from Protest Control Officer (and OGC, if agency protest)?	HHSAR 333.103(f(1) and (2)(iii))				
D.32	If protest after award of task/delivery order under IDIQ, is it only on the basis that order increases scope, period, or maximum value of contract?	FAR 16.505(a)(9)(i)				
D.33	If protest after award, has CO followed appropriate protest procedures in response to protest filed with GAO?	FAR 33.104, HHSAR 333.104 NIH Manual 6033-1 & 6033-2				
		MODIFICATIONS & CHANGE ORDERS				
D.34	Are contract modifications properly documented, citing correct authority and funding, within scope, and issued properly as unilateral or bilateral?	FAR 43				
D.35	If modification is for new work, is approved JOFOC in file?	FAR 6.303, HHSAR 306.303, JOFOC Desk Guide				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.36	Did CO ensure availability of funds prior to issuing modification/change order?	FAR 43.105				
D.37	If contract modification requires surety and the contract price was changed upward or downward by more than 25% or \$50K, has consent of surety been obtained prior to issuing modification?	FAR 28.106-5				
D.38	As applicable, has CO modified existing contracts on a bilateral basis in compliance with FAR 52.204-10?	FAR 52.204-10 (> \$25K)				
D.39	If contract modification for a commercial item, has CO complied with prohibition on obtaining certified cost or pricing information?	FAR 15.403-1				
D.40	If contract modification or exercise of an option meeting the criteria of a subcontracting plan, have the goals associated with the modification/option been added to those in the existing subcontracting plan?	FAR 19.702				
D.41	If change order issued, is it within parameters of Changes clause, signed by a warranted CO (within his/her authority)?	FAR 43.2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.42	If change order issued, was equitable adjustment definitized?	FAR 43.2				
D.43	If change orders were executed, were they timely definitized?	FAR 43.204				
D.44	Does supplemental agreement definitizing a change order include a Contractor's Statement of Release?	FAR 43.204(c)				
D.45	Where applicable, are contractor's requests for equitable adjustment processed in accordance with FAR 50.103 and is there a compliant approval/denial Memorandum of Decision in file?	FAR 50.103-6				
D.46	If existing contract contains clause at FAR 52.209-8, and conditions at FAR 9.104-7 apply, has CO bilaterally modified existing contract to replace FAR 52.209-8 with FAR 52.209-9?	FAR 9.104-7, 52.209-9, Alt. 1				
D.47	Has contract modification been entered into Prism/Compusearch (NBS) and FPDS (through DCIS), including mods for change in size status, as applicable?	FAR 4.604(b)(5); NBS				
D.48	If a contract with options and a subcontracting plan was required, or if a modification to a contract, have revised subcontracting goals been negotiated?	FAR 19.705-2				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
		Claims				
D.49	Are claims/disputes handled properly?	FAR 33.2, HHSAR 333.2				
D.50	Has CO made a timely response to contractor dispute under CDA?	FAR 33.211(c)-(f)				
D.51	Has contractor submitted certified claim under CDA?	FAR 33.207				
D.52	Has CO consulted OGC in resolving dispute under CDA?	HHSAR 333.211				
D.53	Has CO successfully resolved claim under CDA?	FAR 33.210				
D.54	Has CO rendered final decision IAW FAR & agency provisions?	FAR 33.211, HHSAR 333.211				
D.55	If applicable, is alternate dispute resolution process used?	FAR 33.214				
		Management				
D.56	If mistake after award, have appropriate procedures been followed?	FAR 15.508				
D.57	If options included in contract, have they been executed properly and documented?	FAR 17.207				
D.58	If exercise of option to extend term of construction contract, was contract modified to include most current wage determination?	FAR 22.404-12(a)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.59	If contract involves acquisition of EIT subject to Section 508, has the CO ensured that the contractor has provided a properly completed HHS Section 508 Annual Report and has the Report been approved by the CO and COTR?	HHSAR 317.207				
D.60	Have contractor's invoices been reviewed/approved/disapproved in a timely manner?	FAR 32				
D.61	If satisfactory progress has not been made, has CO exercised right to withhold payment (up to maximum of 10%) until satisfactory progress has been achieved?	FAR 32.111(a)(5), 52.232-5				
D.62	If termination for convenience/default deemed necessary, was process handled properly?	FAR 49				
D.63	If novation/change of name agreement requested, was process handled properly?	FAR 42.12				
D.64	If contract does not contain a termination for default clause and contractor has failed to perform, have proper procedures been followed?	HHSAR342.7002(c)				
D.65	Are past performance evaluations for construction contracts (interim/final) in file?	FAR 45.1502(e) (if >\$650K}				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.66	Is there compliance with acceptance/inspection/quality assurance requirements?	FAR 46.102				
D.67	If cost overrun, has coordination taken place with program office, additional funds request received from contractor, statement from program office to fund/terminate contract, fixed fee unadjusted?	HHSAR 342.7101, 342.7102				
D.68	Have debarment/suspension procedures been properly followed?	FAR 9.4, HHSAR 309.4				
D.69	Has there been consent to subcontracts or approved system?	FAR 44.201				
D.70	Was an analysis conducted of the contractor's property management policies, procedures, practices and systems, and if noncompliant, did CO provide written notification as required?	FAR 45.105				
D.71	Has Value Engineering Change Proposal (VECP) been received and processed appropriately?	FAR 48.103				
D.72	Are subcontracting compliance reports submitted by prime contractor and subcontractors (using eSRS), and have they been evaluated?	FAR 19.704(a)(10), 19.705-6, 19.705-7, 19.706 (Required for Large Bus. >\$1M)				
D.73	If applicable, has award fee evaluation been properly conducted?	FAR 16.404(a)(2), 16.405-2(b)(3)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.74	Did CO ensure that contractor was furnished DOL Form WH-1321?	FAR 22.404-10				
D.75	If action taken to reduce or suspend progress payments, or to increase the liquidation rate, has the CO ensured that proper actions have been taken & the file documented?	FAR 32.503-6, 52.232-16				
D.76	If cost-reimbursement contract, and clause at FAR 52.215-23 has been included, have indirect costs that meet the definition of “excessive pass-through charge” been disallowed?	FAR 31.203				
D.77	If postaward audit review conducted, if review indicates defective certified cost/pricing data, has CO made proper determination, taken any corrective action, notified contractor, and reported the CO’s final determination in FAPIIS, as applicable?	FAR 15.407-1(d) 42.1503, 49.208				
D.78	Have PIV products been accounted for when FAR 4.1301 conditions apply?	FAR 4.1301				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.79	If applicable, are ARRA reports submitted by the contractor and reviewed by Gov't. reviewer as required?	FAR 4.15, 52.204-11, OALM, OAMP, DAPE periodic guidance on Reporting Requirements and Checklist for Contractor Reports				
D.80	If applicable for a contract funded with ARRA funds and non-compliance with Section 1605 of Recovery Act or Buy American Act have been alleged, have allegations been properly reviewed and processed?	FAR 25.607				
D.81	If applicable for a contract funded with ARRA funds, and if CO received a complaint of reprisal as described in FAR 3.907-2, have proper procedures been followed?	FAR 3.907-2, 3.907-3, 3.907-4				
D.82	If applicable, has a prime contractor of a contract or task/delivery order in an amount in excess of \$5 million for the procurement of items other than commercial items engaged in market research before making purchases?	FAR 10.003, 16.506				
D.83	If applicable, has CO monitored the adequacy of the contractor's accounting system during the period of contract performance?	FAR 42.302(a)(12)				

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
D.84	As required, has the contracting officer ensured that contractors have implemented the mandatory contractor business ethics program requirements?	FAR 42.302				

SECTION E – Contract Closeout

No.	Action Item	FAR/HHSAR/ NIH Policy Part	Yes	No	N/A	Comments
E. 1	Has final payment/settlement been made?	FAR 4.804-5				
E.2	Have administrative closeout procedures been accomplished?	FAR 4.804-5				
E.3	Has contract completion statement been prepared?	FAR 4.804-5(b)				
E.4	If applicable, as adequate final indirect cost proposal been submitted and verified?	FAR 42.705				
E.5	If applicable, have quick closeout procedures been used?	FAR 42.708				
E.6	Has disposition of GFP/GFE been addressed?	FAR 45.603				
E.7	Has final past performance evaluation been submitted in PPIRS?	FAR 42.1502, 42.1503 (over SAT)				
E.8	If applicable, has a contract audit in accordance with agency procedures been performed?	HHSAR 304.804-70				
E.9	Have storage, handling & disposal of contract files been accomplished in accordance with agency procedures?	FAR 4.805				
E.10	Has closeout been accomplished in a timely manner?	FAR 4.804-1				
E.11	Has the HHS GWAC contract been used to accomplish closeout, or has a justification been prepared for the file?	HHS guidance				
E.12	Have excess funds been deobligated and returned to customer?	FAR 4.804-5				

