

Interim HHSAR guidance related to contract file organization

a) *Add a new subpart at HHSAR 304.803-70, as follows:*

304.803-70 Contract/order file organization and use of checklists

(a) To provide a consistent approach to the organization and content of HHS contract and order files, OPDIVs shall use the folder filing system and accompanying file checklists specified in 304.803-70(b), in accordance with the guidance therein and the instructions specified as “Contract and Order File Folders, Checklists, and Instructions at <http://www.hhs.gov/oamp/policies/>.”

(b) The checklist requirements apply to files for (i) negotiated, sealed-bid, and Architect-Engineer (A & E) acquisitions; (ii) orders awarded and BPAs established under GSA Federal Supply Schedule (FSS) contracts; (iii) orders placed under all types of indefinite-delivery contracts, including task orders under Governmentwide Acquisition Contracts (GWACs); and (iv) modifications under the types of acquisitions specified in (i), (ii), and (iii). Simplified acquisitions, including those for commercial items, are exempt from these checklist requirements. However, HHS contracting activities shall continue to adhere to the simplified acquisition file documentation and retention requirements of FAR 13.106-3(b). For commercial item acquisitions using the negotiated or sealed bid methods, HHS contracting activities shall use the applicable checklist.

(1) A complete contract or order file may consist of the following folders that are titled as indicated below for the specified acquisition methods:

| Acquisition Method | Folder Title | Folder Title | Folder Title | Folder Title |
|---------------------------|--------------------------|--|-----------------------------|--------------------------|
| Negotiated | Presolicitation to Award | Unsuccessful Proposals | Administration and Closeout | Reports and Deliverables |
| Sealed-bid | Presolicitation to Award | Unsuccessful Bids | Administration and Closeout | N/A |
| A & E | Preannouncement to Award | Unsuccessful Qualifications Statements | Administration and Closeout | Reports and Deliverables |
| Task orders | Presolicitation to Award | Unsuccessful Proposals | Administration and Closeout | Reports and Deliverables |
| GSA FSS | Presolicitation to Award | Unsuccessful Quotations/Oral Presentations | Administration and Closeout | N/A |

(2) Although use of the checklists is mandatory, each OPDIV contracting office is permitted to make certain checklist changes or additions as specified in “Use and modification of checklists” under “File checklists and tab dividers” in the instructions.

(3) OPDIVs using or planning to use electronic filing capabilities shall adhere to the folder and tab nomenclature requirements identified herein to the maximum extent practicable.

b) Revise the third sentence in HHSAR 315.305(a)(3)(vi), in part, to read as follows:

“The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, a copy of each signed rating sheet, except when peer review is required by statute, and any reservations, qualifications...”

c) Revise HHSAR 315.372, in part, to read as follows:

315.372 Preparation of negotiation memorandum.

“The Contracting Officer shall prepare a negotiation memorandum, or summary of negotiations, to document all actions leading to award of a contract and support the source selection decision discussed in FAR 15.308. The memorandum also satisfies the requirement for preparation of a “cost/price negotiation memorandum” required by FAR 15.406-3. The memorandum shall be in sufficient detail...”

“(j) *Cost breakdown and analysis.* Include a complete cost breakdown together with the Contracting Officer’s analysis of the estimated cost by individual cost elements. The analysis shall discuss the items specified in FAR 15.406-3 and other cost factors, such as:...”