



## *Checklist - Internal Compliance Review of Contract Files/Solicitations*

### **1) PURPOSE**

As part of the SPAWAR Procurement Performance Management Assessment Program (PPMAP), quality assurance processes to ensure compliance with statutory and regulatory requirements and best business practices require that a sample of contract files and open solicitations on a specified periodic basis be conducted. Such reviews will provide SPAWAR 2.0 management with early notice of actual or potential problems and allow management to (i) correct or otherwise address specific problems observed in individual files and (ii) respond proactively to systemic problems with new or additional training, or with process revisions.

### **2) POLICY**

All SPAWAR Contracting Offices shall conduct contract file reviews on a sample of the contract vehicles issued by that Contracting Office to include "C" & "D" contracts, SEAPORT orders, delivery/task orders, GSA orders and SAP orders (does not apply to Purchase Card transactions). Additionally, a review of open solicitations for clause currency and compliance shall also be conducted. Contract file and solicitation reviews should be done on an on-going basis. Each review performed should provide a description of any problems found and a POA&M for resolution. Results of the reviews and appropriate training should be provided to all contracting personnel at the applicable Contracting Office. Field Contracting Offices shall maintain copies of their reports for review by SPAWAR HQ for their respective PPMAP Reviews.

### 3) **RESPONSIBILITIES**

Each Field Contracting Office is responsible for conducting their contract file and solicitation reviews and maintaining the documentation that shows the type of contract file and solicitation reviewed, problems identified and actions taken to correct. The Policy Branch at HQ is responsible for conducting HQ contract file and solicitation reviews and reporting. Each Contracting Office is responsible for determining the selection and number of the contract files and solicitations to be reviewed.

The HQ Policy Branch will be responsible for the overall oversight of the SPAWAR Contracting Internal Compliance Reviews as it relates to the SPAWAR PPMAP Program.

### 4) **PROCEDURES**

Each Contracting Office shall utilize standardized checklists to perform contract reviews. The Field Activities may use additional checklists; however, those checklists must cover the items on the standard checklists at a minimum. Some of the areas (from DASN PPMAP Reviews) to be considered in contract file reviews include the following (Note: this is not an all inclusive list):

- a) An affirmative statement in the BCM or Pricing Memo that states: "The prices/costs have been determined to be fair and reasonable." This must appear in every BCM or pricing memo. Ensure that cost or pricing data is obtained when the acquisition exceeds the TINA threshold.
- b) All procurement sensitive documents are marked with "Source Selection Information - See FAR 2.101 and FAR 3.104" This means all clearances, pricing memos, technical evaluations (including e-mails) all source selection plans, all proposed costs or prices, Technical evaluation plans, Cost or price evaluations, Competitive range determinations, Rankings of bids, proposals, or competitors, Reports and evaluations of source selection panels, boards, or advisory councils.
- c) Review of the Contracting Officers' Determination of Responsibility. This includes not only the FAR 9.10 items but also verification that the Excluded Parties List System (EPLS) was checked (screen shot of the system response).
- d) Commercial item contracts should not include any non-standard clauses.
- e) Service contracts have the appropriate MOPAS approvals.
- f) Non-DoD contracts and orders have the appropriate approvals.
- g) Non-PBSA contracts have a waiver in the file.
- h) TINA waivers have the appropriate approvals.

- i) D&Fs are executed for T&M & CPAF contracts (includes SEAPORT orders).
- j) Review MAC orders for competition and if not, was the sole source justification adequate.
- k) Commercial item contracts over \$1M have a written determination by the Contracting Officer that the acquisition meets the commercial item definition in FAR 2.101
- l) Undefined Contract Actions (UCAs) are definitized within the required timeframes and documentation supports the basis for the profit or fee negotiated.
- m) For solicitation reviews, some of the clauses/provisions to check for applicability are (Note: this is not an all inclusive list):

FAR 52.204-8 Annual Representations and Certifications

FAR 52.204-9 Personal Identity Verification of Contractor Personnel

FAR 52.204-10 Reporting Subcontract Awards

FAR 52.219-28 Post-Award Small Business Program Representation

FAR 52.223-15 Energy Efficiency in Energy Consuming Products

FAR 52.223-16 IEEE 1680 Standard (EPEAT)

**FAR 52.222-99 Implementation of Executive Order 13658, Establishing a Minimum Wage for Contractors (DEVIATION)**

DFARS 252.211-7003 Item Identification and Valuation

DFARS 252.211-7007 Item Unique Identification of Government Property

DFARS 252.215-7003 Excessive Pass-Through Charges

DFARS 252.215-7004 Excessive Pass-Through Charges

DFARS 252.225-7014 Preference For Domestic Specialty Metals

DFARS 252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States

DFARS 252.229-7999 Taxes- Foreign Contracts in Afghanistan (Military Technical Agreement) (DEVIATION 2013-00016)

DFARS 252.232-7003 Electronics Payments Submission

DFARS 252.242-7001 Notice of Earned Value Management System

DFARS 252.242-7002 Earned Value Management System

- n) Additionally a review of Commercial Item solicitations to check for any unique clauses or instructions not prescribed by FAR or DFARS. These are no longer allowed.

## 6. MISCELLANEOUS

### *Electronic Contracting ToolBox*

1. Contract Document Checklist (Current)
2. Delivery Order Checklist (Current)
3. Modification Checklist (Current)