

U.S. Army Corps of Engineers (USACE)  
**CONSTRUCTION SOLICITATION COMPLIANCE CHECKLIST**

The proponent agency is CECT-P.

Solicitation Number	Estimated Value of Acquisition
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Acquisition Planning	PCF Location	PCO Compliance	BOB PA Compliance	Comments / Resolution of Comments
		Blank/ Yes/No/NA	Blank/ Yes/No/NA	

Provide brief description to all "no" responses, explaining how regulatory/policy requirements are achieved within the solicitation/supporting documentation.

**Market Research**

1. Are the North American Industry Classification System (NAICS) code and Product Service Code (PSC) selected for the procurement appropriate? [Ensure NAICS and PSC are consistent between the market research/ synopsis, DD 2579, and solicitation]. ( <i>FAR 4.1005-1 and 19.102</i> )				
2. Has market research been conducted, the results analyzed, and is the market research report in the contract file? ( <i>FAR 8, 10, DFARS 210.001, AFARS 5110.002, and UAI 5110.002</i> )				
3. For projects ≥ \$35M, is the PLA Decision Memorandum signed and does the file include the associated market research report and other supporting documentation? ( <i>FAR 22.5 and UAI 5122.5 and UDG 5122.503-2</i> )				
4. Are the market research results adequate to support a small business set aside, if applicable? ( <i>FAR 19.203 and 19.5</i> )				
5. Were small business participation plan goals developed based on market research, coordinated through the Small Business Office and placed in the contract file specifically for each acquisition? ( <i>FAR 15.304, DFARS 215.304, and AFARS Appendix AA</i> )				
6. If there are no subcontracting opportunities and/ or if the small disadvantage business (SDB) goal is less than 5% does the contract file contain the determination approved at a level above the contracting officer? ( <i>FAR 19.705-2(c) and DFARS 219.705-4(d)(i)</i> )				

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7. If competition is restricted, including the use of Brand Name or Equal purchase descriptions, is a J&A properly prepared, executed and approved by the designated authority? (FAR 6.302, 6.303, 6.304, 11.104, 11.105, 13.106-1(b), 13.501, 16.505(b)(2), DFARS 206.302, 206.303, 206.304, 211.104, 211.105, AFARS 5106.302, 5106.303, 5106.304, and UAI 5106). <b>Note:</b> AFARS 5153.303-4 and 5153.303-5 contains the appropriate/current format for a J&A.				
<b>Competitive Practices</b>				
8. If the action is a sole source or contains a requirement for Brand Name or Equal, was the J&A posted to "Contract Opportunities" on the System for Award Management (SAM) at SAM.gov within the required timeframes? (FAR 6.305 and DFARS 206.305)				
9. For sole source actions under the authority of FAR 6.302, was notice of intent to solicit and negotiate with only one source provided and a copy of the synopsis in the file? (FAR 5.203(a), DFARS 206.305, UAI 5106.304, and 5108.405-6)				
10. For sole source Foreign Military Sales, is the International Agreement Competitive Restrictions (IACR) document in the file and approved by the Chief of the Contracting Office (CoCO)? (DFARS 206.302-4, and UAI 5106.302-4)				
11. For design-build acquisitions, has the approval to use a one-step selection procedure been obtained? Has approval to use a one-step selection procedure been obtained from the District Chief of Construction of SRM projects less than \$4M or the Headquarters USACE Chief of Construction Branch for all others and placed in the contract file? (UAI 5136.303-100 and Engineering and Construction Bulletin No. 2019-14)				
<b>Contract Type</b>				
12. Is the rationale for the selection of the contract type, to include consideration of the associated risks, documented in the contract file in the acquisition plan, other determination, or memorandum? (FAR 16.103(d)(1), DFARS 216.104-70, and AFARS 5116.102-90)				
13. If Early Contractor Involvement (ECI) is the selected acquisition strategy, has an acquisition plan been approved by the SCO? (UAI 5107.103)				

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14. For IDCs, is the decision whether or not to use multiple awards documented in the acquisition plan or elsewhere in the contract file? (FAR 16.504(c)(1)(ii)(C))				
15. For IDCs, was consideration given to reserve one or more contract awards and/or setting aside part or parts of an IDC for any of the small business concerns identified in FAR 19.000(a)(3) considered? (FAR 19.502-4)				
16. For SATOCs > \$100M, has the Head of the Contracting Activity (HCA) approved the Determination and is evidence that congress was notified within 30 days of Determination approval in the file? (FAR 16.504(c)(1)(ii)(D), DFARS 216.504(c)(1)(ii)(D)(7), AFARS Appendix GG, and UDG Attachment 1)				
17. If a cost reimbursement contract is contemplated, has the Procuring Contracting Officer (PCO) documented rationale for selecting the contract type in the acquisition plan or Determination and Finding (D&F) and approved at the appropriate level? (FAR 16.301-2(b), DFARS 216.301-3, 216.306(c), 236.271, AFARS 5116.306(c)(ii), and UAI 5116.301-3)				
18. If a time-and-materials (T&M) or labor hour contract is contemplated, was a D&F prepared justifying its use, reviewed for legal sufficiency and approved at the appropriate level prior to issuing the solicitation (or prior to the base period or exercise of any option period)? (FAR 16.601(d)(1), and DFARS 216.601(d))				
19. For Design-Build contracts, is the PCO Determination to use Two Phase design-build in the file? If two-phase design-build selection procedures are being utilized, did the scope of work comply with FAR 36.302? (FAR 36.301, UAI 5136.303-100, and ER 1180-1-9)				
20. For actions at the threshold and as required in AFARS 5119.201(d)(10)(B)(i), is a DD Form 2579 "Small Business Coordination Record" in the file and does it contain all required signatures? (DFARS 219.201(c)(10)(A), 219.201(c)(10)(B), 219.5, and AFARS 5119.201(d)(10)(B)(i))				

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21. Are the 8(a) Offer and Acceptance Letters in the file if contract is to be set-aside for 8(a) for actions >SAT? (FAR 19.804-2, 19.804-3, DFARS 19.804, and AFARS 5119.804)				
22. If SBA acceptance of the contracting office's 8(a) offering letter was not received within the stipulated time, did the contracting officer take appropriate actions as stipulated in 19.804-3?				
23. Did the contracting officer document the file when considering the acquisition for the small business socioeconomic contracting programs (i.e., 8(a), HUBZone, SDVOSB, or WOSB programs)? (FAR 13.003, 19.203, 19.501, and 19.705)				
24. If this acquisition was previously provided by a small business and the proposed acquisition size made it unlikely for competition by small businesses, or the acquisition involved bundling or consolidation, did the Contracting Officer coordinate with the SBA Procurement Center Representative (PCR) at least 30 days prior to release of the solicitation? (FAR 7.107-5, 19.201, 19.202-1, and 19.402)				
25. If Contracting Officer rejected the SBA representative's recommendation made IAW FAR 19.402(c)(2), was the Contracting Officer's basis for rejection documented and SBA representative notified within 5 working days of Contracting Officer's receipt of recommendation? (FAR 19.402 and 19.502-8)				
26. If solicitation required submission of a subcontracting plan, did the Contracting Officer provide the SBA PCR a reasonable period of time to review the solicitation and to submit advisory findings before the solicitation was issued? (FAR 19.402 and 19.705-3)				
27. Does the solicitation include the clause at 52.242-5, Payments to Small Business Subcontractors, if the clause at 52.219-9 was included? (FAR 42.1504 and 52.219-9)				

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28. Does the solicitation include the clause at FAR 52.219-9, Small Business Subcontracting Plan, or appropriate alternate, if subcontracting opportunities existed and the clause at 52.219-8 was included? (FAR 19.708 and 52.219-8)				
29. If a formal acquisition plan is required, is it in the file and approved at the appropriate level? (FAR 7.105, DFARS 207.103(d)(i), AFARS 5107.103(d)(i), and UAI 5107.1)				
30. If a formal acquisition plan is not required, is the Project Management Plan (PMP) in the file and does the acquisition strategy section explain which acquisition strategies were considered and why the acquisition approach was selected? If not, is an informal acquisition plan included in the file? (AFARS 5107.103(d)(ii) and UAI 5107.103(d)(ii))				
<b>Acquisition Coordination and Documentation</b>				
31. Has the Major Subordinate Command (MSC) coordination been completed for regional capacity sharing of IDIQ contracts that may be used outside your region? (Director of Military Programs Memorandum, Command Services Executive (CSE) Delegation of Requirement Validation Authorities dated 24 Aug 2021 and UAI 5137.590-100)				
32. If the geographical boundary of an IDC includes OCONUS areas, are Status of Forces Agreement(s), Treaty, and/or International Agreement(s) for each country included in the file and are the requirements in those documents included in the solicitation (a legal requirement)? (FAR 25.802 and DFARS 225.802)				
33. For all Army (including USACE) requirements except supply contracts <SAT, field ordering officer actions and Government purchase card purchases, does the file contain an appropriate fully coordinated, signed, and completed AT/ OPSEC document, if applicable, IAW Annex Q of OPORD 2022-03, Integrated Protection? (AFARS 5107.91 and UAI 5107.91)				

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34. For MILCON, does the proposed scope of the project track with the DD 1391? ( <i>AR 421-1, Army Facility Management, Chapter 4</i> )				
35. For actions anticipated to exceed the SAT, will the Independent Government Estimates (IGE) be received prior to the receipt of proposals? ( <i>AFARS 5107.90 and UAI 5107.9002</i> )				
36. Does the IGE conform to the requirements of AFARS 5107-90 and UAI 5107.9002?				
37. Does the file contain the signed, complete Request for Services Contract Approval (RSCA) form, if applicable? ( <i>AFARS 5107.503, UAI 5107.503, and CEMP-ZB Memorandum, USACE Policy on Request for Service Contract Approval Regarding Inherently Government Functions dated 12 Aug 2020</i> )				
38. Is a Biddability, Constructability, Operability, Environmental and Sustainability (BCOES) written certification in the file? ( <i>ER 415-1-11 and UAI 5136.104</i> )				
39. If the total duration of base and option periods exceeds 5 years, was a written SCO approval received? ( <i>FAR 17.204(e), DFARS 217.204(e), AFARS 5117.204(e), and UAI 5117.204(e)</i> )				
40. Was SCO approval received for PCO written determination to use Non-Government personnel in source selection? ( <i>FAR 37.203(d), 37.204, AFARS 5137.204, DoD Source Selection Procedures (DoD SSP), and UAI 5137.204</i> )				

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41. If applicable, is the approved consolidation determination included in the file for consolidated acquisitions exceeding \$2M? (FAR 7.107-2, AFARS 5107.1072, and UAI 5107.107)				
42. Have any exceptions to the Buy American Act been properly approved and is the approval in the file? (FAR 25.202, DFARS 225.202, AFARS 5125.202, and UAI 5125.103)				
43. If the contract includes options, did the PCO document the determination to Use/ Evaluate Options and include it in the file? (FAR 17.202, 17.203, 17.205, AFARS 5117.206, and UAI 5117.200)				
44. Is a Liquidated Damages Memorandum in the file and does it include supporting documentation sufficient to justify the rate? (FAR 11.5 and DFARS 211.503)				
45. If applicable, was HCA authority to obtain certified cost or pricing data for actions below the Truthful Cost or Pricing Data Act threshold at FAR 15.403-4 received and included in the file?				
46. If applicable, did the file contain an exception (or a waiver by the HCA) for the requirement to obtain certified cost or pricing data? (FAR 15.403-1 and DFARS 215.403-1)				
47. For MILCON projects, is the Design Directive as the authority to advertise (Code A) in the file, and is the preliminary Government Estimate within that authority? (AR 420-1, Army Facility Management, Para 4-36)				

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<b>Synopsis</b>				
48. Is a copy of the synopsis and all amendments in the file, or a PCO Determination documenting the exception? ( <i>FAR 5.101, 5.201, 5.202, and DFARS 205.203</i> )				
49. Does the synopsis and solicitation state the magnitude of work? ( <i>FAR 36.204 and DFARS 236.204</i> )				
50. For proposed contract actions >SAT, has a pre-solicitation notice been published or is a waiver, signed by the CoCO, unless delegated to a lower level, in the file? ( <i>FAR 5.204, 36.213-2, and UAI 5136.213-2</i> )				
<b>Source Selection Plan</b>				
51. Are Source Selection Organization (Source Selection Advisory Council (SSAC) / Source Selection Evaluation Board (SSEB)) members and advisors properly appointed and are their roles/responsibilities consistent with the DoD SSP and AFARS Appendix AA and have they signed non-disclosure agreements? ( <i>FAR 15.303, DFARS 215.303, AFARS 5115.303, and UAI 5115.3</i> )				
52. If the Source Selection Authority (SSA) is other than the PCO, is there an official appointment letter in the file signed at the appropriate level? ( <i>FAR 15.303, AFARS 5115.303, UAI 5115.300-100(c)(1), 5115.303, and UDG Attachment 1</i> )				
53. Is a member of Construction Division participating on the Source Selection Team (SST)? ( <i>SST involvement encouraged, not required</i> )				
54. If Non-Government Advisors are approved for use during source selection, is the request to submit documentation to the PCO indicating their personal stock holdings in the file, and will the documentation be received and reviewed prior to access to source selection sensitive information? ( <i>DoD SSP, AFARS Appendix AA, and UAI 5115.3</i> )				



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55. Are the evaluation factors/criteria in the Source Selection Plan (SSP) consistent with the solicitation, DoD SSP and AFARS Appendix AA? (FAR 15.204-5(c), 15.304, DFARS 215.304, and AFARS 5115.304)				
56. Has the SSA approved the SSP prior to issuance of the solicitation? (FAR 15.303, DFARS 215.303, AFARS 5115.303(S-92)(2), DoD SSP, and AFARS Appendix AA)				
<b>Solicitation</b>				
57. Is a realistic Acquisition Milestone schedule in the file with dates showing consideration by the PDT of all actions, tasks, reviews, and documentation required? (FAR 7.105, AFARS 5137.590-6, ODASA(P) Policy Alert 18-90, Mandatory Use of Virtual Contracting Enterprise)				
58. Are blocks 1-13 of the SF 1442 complete and do the timeframes correspond with FAR 52.211-10, Commencement, Prosecution and Completion of Work? (FAR 11.404(b) and 36.701(a))				
59. Does the solicitation reflect a reasonable response time for receipt of contractor proposals? (FAR 5.203 and DFARS 205.203)				
60. Is the PWS/SOW consistent with the project requirements reflected in the approved acquisition plan (formal or informal)?				
61. For an IDC, does the PWS/SOW reasonably describe the general scope, type and location of work, as specifically as possible, such that it is not overly broad? (FAR 16.5)				

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62. If there are options, does the solicitation discuss how many days the government has to exercise each option and are the appropriate provisions and contract clauses included in the solicitation? (FAR 17.203, 17.204, 17.205, 17.207(a), and 17.208)				
63. Does the Government intend to exercise the option(s) at time of award? Is this included in the solicitation?				
64. If there are options, does the solicitation discuss how the evaluation will be accomplished? (FAR 17.206, DFARS 217.208, and AFARS 5117.206)				
65. Are base and/or option CLINS properly and effectively structured and do they logically correspond to distinct requirements described in the SOW/PWS? (DFARS 204.7103)				
66. For sole source actions, does the solicitation require the submission of Certified or Other Than Certified Cost or Pricing Data necessary to determine a fair and reasonable price? (FAR 15.403, DFARS 215.403, AFARS 5115.403, and UAI 5115.403)				
67. For small business set-asides, does the solicitation discuss the amount the contractor must perform --Limitation on Subcontracting? (FAR 52.219-14)				
68. Does the solicitation express a percentage that reflects the minimum amount of work the Contractor must perform with its own forces? (FAR 19.505 and 36.501)				

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69. If the solicitation includes options, is there a CLIN(s) covering the option? (DFARS 204.7103, UAI 5117.200, and 5117.202)				
70. Is the appropriate and current Wage Rate Requirements (Construction) (formerly Davis-Bacon Act) wage determination in the solicitation? If more than one wage determination applies (to include Service Contract Labor Standards (formerly Service Contract Act of 1965 (SCA)), does the solicitation provide instructions to the contractor as to when to use each wage determination? (FAR 22.4, 22.10, DFARS 222.4, 222f.10, and SAM.gov)				
71. For an IDC, is the minimum guarantee specified? (FAR 16.504, and for JOC - AFARS 5117.9004-2)				
72. For an IDC, are the minimum and maximum contract and task order limits specified? (FAR 16.504 and 52.216-19)				
73. For an IDC, is the maximum contract capacity specified? Does it coincide with the approved Acquisition Strategy and/or Plan? (FAR 16.504(a) and 16.505(a)(2))				
74. For an IDC, are the ordering procedures adequately described in the solicitation in Section G or equivalent Section? (FAR 16.504(a)(4))				
75. For MATOCs, is it clear how fair opportunity will be afforded and meaningful competition obtained for orders? (FAR 16.504(a)(4)(iv), 16.504(c)(1)(ii)(A)(4), and 16.505(b))				

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76. For an IDC, has a task order been identified that will satisfy the minimum guarantee? (AFARS 5116.504)				
77. For competitive RFPs, does the solicitation indicate the intent to award with or without discussions? (FAR 15.209, 15.306, 52.215-1, 52.215-1 Alt I (requires discussions), DFARS 215.306, AFARS 5115.306, DoD SSP, and AFARS Appendix AA)				
78. For competitive RFPs, are meaningful evaluation factors identified and level of acceptability defined? (DoD SSP and AFARS Appendix AA)				
79. Does the solicitation clearly establish the acceptability criteria of all evaluation factors (including sub-factors) when conducting a negotiated procurement using a Lowest Price Technically Acceptable (LPTA) approach? (FAR 15.101-2(b) and DFARS 215.101-2-70)				
80. For other than commercial items, were the SSP evaluation factors (including sub-factors), and their relative importance consistent with Sections L/M (or equivalent construction sections)? (FAR 15.204-5, 15.304, AFARS 5115.304, DoD SSP, and AFARS Appendix AA)				
81. Does the solicitation contain all required clauses and provisions? If not, what is missing? (based on FAR, DFARS, AFARS prescriptions and/or DEVIATIONS)				
82. Does the solicitation contain all Sustainability clauses at FAR 52.204-4 and 52.223-1 through 52.223-22? (FAR Part 23)				

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83. For construction IDCs ≥\$35M, is the language regarding possible application of Project Labor Agreements (PLA) for task orders meeting the criteria in the solicitation? ( <i>FAR 22.5 and UAI 5122.503-100</i> )				
84. Does the file contain documentation that sufficient funds are available to cover price or target price of contract? ( <i>FAR 32.702, 32.703, 32.704, 32.705, DFARS 232.702, 232.703, and AFARS 5132.702</i> )				
85. If funds are not fully available, does the file include written statement IAW AFARS 5132.702(a)(ii)(A) (or equivalent) and appropriate clause notification of funding the solicitation? ( <i>FAR 32.703-2, DFARS 232.704, 232.705, AFARS 5132.702 and USACE Alert 21-016, Reminder about Rules for Contract Funding and Properly Advertising Subject to Availability of Funds under the Federal Acquisition Regulation Subpart 32.7 and Supplements</i> )				
86. Does the file contain evidence of Legal Reviews for acquisition documents (D&Fs, J&As, etc.) or all actions at/above \$500K? ( <i>UAI 5101.602-2-90</i> )				
87. Were applicable legal comments incorporated into appropriate acquisition document(s)? ( <i>UAI 5101.602-2-90</i> )				
88. If applicable, did the contracting officer include FAR provision 52.229-11, Tax on Certain Foreign Procurements - Notice and Representation, and FAR clause 52.229-12, Tax on Certain Foreign Procurements, in the solicitation and FAR clause 52.229-12 contract awards subject to the 2% federal excise tax? ( <i>FAR 29.204 and 29.403-2, ODASA(P) Alert 22-75, and USACE Alert 22-004</i> )				
89. If FAR provision 52.229-11 and FAR clause 52.229-12 is appropriately included in the solicitation, does the solicitation include the Special Contract Requirements (SCR) Language? ( <i>USACE Alert 22-004</i> )				

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<b>PEER REVIEW COORDINATION ACTIVITIES (Complete as applicable)</b>				
90. Has the Contract Review Board (CRB) Peer Review been included in Time at SCO System (TASS), including the projected date documents will be available in PCF? SharePoint site: <a href="#">TASS SharePoint</a>				
91. Has coordination with the appropriate Procurement Analyst (CoCO or SCO) been completed for scheduling the SRB? (UAI 511.170)				
92. Are all documents filed correctly within PCF? If not, what documents are misfiled, missing or unsigned? (AFARS 5104.802(f)(i)(1) and Army Cabinet Index, see VCE PCF Help for current Index in the PCF Folder Structures)				
93. Additional File Review Comments:				

**CONSTRUCTION  
SOLICITATION  
COMPLIANCE CHECKLIST**

Solicitation Number	Estimated Value of Acquisition
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Project Description

**Compliance Checklist - When complete, file in the PCF contract file and mark "final"**

District Project Delivery Team:

POC	Name	Title
Contracting Officer		
Contract Specialist		
Project/Program Manager		
Office of Counsel		
Technical Representative		
Small Business		
Customer Representative		

Contracting Officer's Name	Date	Contracting Officer's Signature
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Procurement Analyst's Name	Date	Procurement Analyst's Signature
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## Acronym Glossary

<p><b>ACO</b> - Administrative Contracting Officer</p> <p><b>A-E</b> - Architect-Engineer</p> <p><b>AFARS</b> - Army Federal Acquisition Regulation Supplement</p> <p><b>AT/OPSEC</b> - Anti-Terrorism Operations Security</p> <p><b>BCOES</b> - Biddability, Constructability, Operability, Environmental and Sustainability</p> <p><b>BOB</b> - Business Oversight Branch</p> <p><b>CAR</b> - Contract Action Report</p> <p><b>CCC</b> - Center Contracting Chief</p> <p><b>CoCO</b> - Chief of the Contracting Office</p> <p><b>CLINS</b> - Contract Line Item Numbers</p> <p><b>COR</b> - Contracting Officer's Representative</p> <p><b>CPARS</b> - Contractor Performance Assessment Reporting System</p> <p><b>CRB</b> - Contract Review Board</p> <p><b>CSE</b> - Command Service Executive</p> <p><b>D&amp;Fs</b> - Determination &amp; Findings</p> <p><b>DFARS</b> - Defense Federal Acquisition Regulation Supplement</p> <p><b>DOC</b> - Director of Contracting</p> <p><b>DoD SSP</b> - DoD Source Selection Procedures</p> <p><b>EVMS</b> - Earned Value Management System</p> <p><b>FAR</b> - Federal Acquisition Regulation</p> <p><b>FFP</b> - Firm Fixed Price</p> <p><b>GFP</b> - Government Furnished Property</p> <p><b>HCA</b> - Head of the Contracting Activity</p>	<p><b>IDC</b> - Indefinite Delivery Contracts</p> <p><b>IDIQ; ID/IQ</b> - Indefinite Delivery, Indefinite Quantity Contract</p> <p><b>IGE</b> - Independent Government Estimate</p> <p><b>J&amp;A</b> - Justification and Approval</p> <p><b>JAM</b> - Joint Application Module</p> <p><b>LPTA</b> - Lowest Price Technically Acceptable</p> <p><b>MATOC</b> - Multiple Award Task Order Contract</p> <p><b>MILCON</b> - Military Construction</p> <p><b>NAICS</b> - North American Industry Classification System</p> <p><b>OPORD</b> - Operations Order</p> <p><b>PA</b> - Procurement Analyst</p> <p><b>PCF</b> - Paperless Contract File</p> <p><b>PCO</b> - Procuring Contracting Officer</p> <p><b>PIEE</b> - Procurement Integrated Enterprise Environment</p> <p><b>PLA</b> - Project Labor Agreement</p> <p><b>PNM</b> - Price Negotiation Memorandum</p> <p><b>POM</b> - Pre-negotiation Objectives Memorandum</p> <p><b>QASP</b> - Quality Assurance Surveillance Plan</p> <p><b>RCC</b> - Regional Contracting Chief</p> <p><b>RFP</b> - Request for Proposals</p> <p><b>SAM</b> - System for Award Management</p> <p><b>SAT</b> - Simplified Acquisition Threshold</p> <p><b>SATOC</b> - Single Award Task Order Contract</p> <p><b>SCO</b> - Senior Contracting Official</p> <p><b>SOW</b> - Statement of Work</p> <p><b>SPS</b> - DoD Standard Procurement System</p> <p><b>SRB</b> - Solicitation Review Board</p> <p><b>SSA</b> - Source Selection Authority</p> <p><b>SSP - Source Selection Plan</b></p> <p><b>TAPS</b> - Time at SCO System</p> <p><b>UAI</b> - USACE Acquisition Instruction</p> <p><b>UDG</b> - USACE Desk Guide</p>
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