

U.S. Army Corps of Engineers (USACE)  
**TASK ORDER PRE-AWARD COMPLIANCE CHECKLIST**

The proponent agency is CECT-P.

Contract Number	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.

**PROPOSAL RECEIPT**

1. Are the final solicitation and all amendments in the Paperless Contract File (PCF) and marked final? (FAR 4.803(a)(8))				
2. Was the RFP/RFP Letter signed by a Contracting Officer? (UAI 5101.603-3-100(b) and 5101.604-100(b))				
3. If a pre-proposal conference or site visit was held with the contractor(s) prior to receipt of proposals, are the minutes included in the PCF? (FAR 4.801 and 15.201(c)(8) and (9))				
4. If applicable, did the contracting officer include FAR clause 52.229-12, Tax on Certain Foreign Procurements, in the contract award subject to the 2% federal excise tax. (FAR 29.204 and 29.403-2, ODASA(P) Alert 22-75, and USACE Alert 22-004)				
5. If the construction cost exceeds \$750,000, was FAR clause 52.211-12 "Liquidated Damages - Construction" included? (DFARS 211.503)				

**Competitive Practices**

6. If the Statement of Work (SOW)/ Performance Work Statement (PWS) required revision as a result of the pre-proposal conference or site visit, was a revised SOW/PWS issued to the contractor(s) prior to receipt of proposals?				
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7. Was an Independent Government Estimate (IGE) received prior to receipt of proposals? If not, did the proposal remain unopened until the IGE was received? (FAR 36.605(a), AFARS 5107.9002, UAI 5136.203-100, UAI 5107.9002, and ER 1110-2-1302 Para 14b(1)(b))				
8. Does the IGE include profit based on an alternate structured approach to the weighted guidelines method (except projects funded with a Civil Works appropriation)? (FAR 15.404-4(b), DFARS 215.404-73, UAI 5136.205-100 and 101)				
9. Does the IGE conform to the requirements of AFARS 5107.90 and UAI 5107.9002?				
10. MATOC: For Task Orders solicited less than 30 days: if only 1 offer was received, did the PCO cancel or resolicit for an additional period of at least 30 days? (DFARS 216.505-70 ) Note: If only one offer was received, see SATOC questions.				
11. MATOC: Were any late proposals received and does the file include a statement by the PCO, and reviewed for legal sufficiency, as to whether the proposal was considered with the supporting rationale? (FAR 15.208(f), (g), and (h) and UAI 5101.602-2-90(c)(1))				
12. Does the file contain a copy of all offers or quotations received, together with any revisions? (FAR 4.803(a)(10))				
13. MATOC: If the total price, or the price of any CLIN is much lower than the IGE or other proposals (generally more than 15% below), or if the PCO has other reasons to suspect a mistake in offer may have occurred, did the PCO request the offeror to verify its proposal? (FAR 14.407-3(g)(1), 15.306(b)(3)(i), 15.404-1(a)(6), and UAI 5101.602-2-90 (c) and 5114.407)				

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<b>Source Selection &amp; Negotiation</b>				
<b>Source Selection (MATOC)</b>				
14. Does the file contain signed Source Selection Non-Disclosure Agreements for members of the Source Selection Team? ( <i>DoD Source Selection Procedures (DoD SSP), dated 1 April 2016, and UAI 5115.300-100(a)</i> )				
15. Was the evaluation handled fairly/consistently across all proposals, conducted in accordance with the criteria set forth in the task order RFP, and fully documented?				
16. Did the PCO consider past performance on earlier orders under the contract as stated in the ordering procedures of the basic contract, including quality, timeliness, and cost control as feasible and applicable? ( <i>FAR 16.505(b)(1)(v)(A)(1)</i> )				
17. For cost type contracts, was a cost realism analysis completed to determine the probable cost of performance of each offeror and was it addressed in the cost evaluation document(s)? ( <i>FAR 15.305(a)(1) and AFARS Appendix AA</i> )				
18. Does the file contain evidence of adequate cost or price analysis, contain clear rationale for reasonableness of all price elements, and include a statement by the PCO that the price is fair and reasonable? ( <i>FAR 15.406-3(a)(1) and <a href="#">ODASA(P) Cost and Price Website for samples/templates</a></i> )				
19. If competition was expected, but only 1 bid/offer was received, was the PCO able to make a fair and reasonable determination using the price analysis techniques in FAR and was the determination approved at least one level above the PCO? ( <i>FAR 15.404-1, DFARS 214.404-1(2), 215.371 and UAI 5115.371</i> ) <b>NOTE: If the answer is no, follow-on questions are contained in the Non-Competitive section of the checklist.</b>				

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20. If competition was expected but only 1 bid/ proposal was received and the price could not be determined to be fair and reasonable, (e.g., was not in line with the IGE) did the PCO request cost or pricing data? If the proposal exceeded the threshold for obtaining certified cost or pricing data (currently \$750,000 for prime contracts awarded before July 1, 2018, and \$2 million for prime contracts awarded on or after July 1, 2018), was the data Certified? (FAR 15.403-4, DFARS 214.404-1(2) and 215.371-3(b))				
21. Does the file document the rationale for placement and price* of each order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making the order decision? (FAR 16.505(b)(7)(i)). *Price shall be considered in the ordering process with the exception of A-E.				
<b>Proposal Evaluation and Negotiation (SATOC)</b>				
22. If an audit was requested, is the request along with the audit report in the file, and were the results taken into consideration when developing the prenegotiation objectives? (FAR 15.404-2(a) and DFARS 215.404-2 )				
23. Was a fact-finding session required prior to negotiations (proposal incomplete and/or significantly over the IGE) and was it properly documented? (FAR 15.406-1)				
24. Was cost and price analysis performed and documented in sufficient detail to develop negotiation objectives and strategies to achieve the desired objectives? (FAR 15.404-1 and DFARS 215.404-1)				
25. Was a technical analysis of the judgmental items in the proposal conducted, and documented in sufficient detail to develop negotiation objectives and strategies to achieve the desired objectives? (FAR 15.404-1(e))				

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26. Were Prenegotiation Objectives (PNO) in sufficient detail to facilitate negotiation of a fair and reasonable price? ( <i>FAR 15.406-1, DFARS 215.406-1, and AFARS 5115.406-1</i> )				
27. Was the Prenegotiation Objectives Memorandum (POM) approved by the PCO prior to entering negotiations? ( <i>FAR 15.406-1(b) and AFARS 5115.406-1(1)</i> )				
<b>Post Negotiation</b>				
28. Is the Price Negotiation Memorandum (PNM) complete, contain all the required items, and in sufficient detail to determine how each of the issues in the POM were addressed and resolved? ( <i>FAR 15.406-3, DFARS 215.406-3, and AFARS 5115.406-3</i> ) If not, what is missing or inadequately addressed?				
29. If competition was expected but only 1 bid/ proposal was received, is the final negotiated price less than or equal to the contractor's initial bid/ proposal? ( <i>DFARS 215.371-3(c)</i> )				
30. Does the PNM contain a determination by the PCO that the negotiated price is fair and reasonable? ( <i>FAR 15.406-3(a)(11)</i> )				
31. Was a Certificate of Current Cost or Pricing Data obtained, dated after the date of final price agreement or was an appropriate exception utilized? ( <i>FAR 15.406-2, DFARS 215.403, 215.406-2(c)(i), AFARS 5115.403-1(c)(4), and UAI 5115.403</i> )				
32. Does the contractor's final proposal agree with the PNM and the award document?				

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33. If necessary, were the specifications/drawings, SOW/PWS revised as a result of negotiations and is the final specifications/drawings, SOW/PWS incorporated into the award?				
34. If revisions were made to the IGE, does the file include documentation regarding those changes with updated review and approval signatures? (AFARS 5107.90 and UAI 5107.9002)				
<b>AWARD DOCUMENTS</b>				
<b>Task Order File</b>				
35. Does the file contain an approved and certified PR&C sufficient to fund the award amount? (FAR 32.702, 32.703-1(a) and DFARS 232.702)				
36. Does the file include the Design Directive as the authority to award (MILCON projects)? (AR 420-1, Para 4-36)				
37. For Cost Plus Award Fee (CPAF), does the contract file include an approved Award Fee Plan and has an Award Fee Determining Official (AFDO) been delegated and appointed? (DFARS 216.401(e) and AFARS 5116.405-2)				
38. Is the planned order within the current period of performance of the base IDC, and is the estimated cost within the task order limit and current maximum capacity of the base IDC? (FAR 16.505(a)(2)) Were any options extending the ordering period of the base IDC exercised in a timely manner and in compliance with FAR Part 17.207 and the appropriate option clause (FAR 52.217-8 or -9)?  Current Base IDC Expiration Date: Current IDC Capacity: Task Order Limit:				

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39. BORROWED CAPACITY (Award): For task orders placed against IDC tools awarded by another district or center, is the planned award amount, including options, within the limits authorized by the Base Contract PCO or CoCO (for example, a Transfer of Contract Capacity Agreement (TCCA)?				
40. Is the Base Contract PCO on the distribution list to receive a copy of the order and any modifications issued hereafter?				
41. Does the file contain documentation that the contractor is active in the System for Award Management (SAM) at <a href="http://SAM.gov">SAM.gov</a> and is not included in SAM Exclusions? (FAR 4.1103 and 9.405)				
42. Does the file contain a current Quality Assurance Surveillance Plan (QASP) (mandatory except for those awarded using simplified acquisition procedures)? (FAR 37.604, DFARS 246.401, UAI 5146.4, ER 1110-3-12, and ER 1180-1-6)				
43. For orders exceeding \$6M, has notification of Unsuccessful Offerors been prepared and ready to be sent upon award of the task order? (FAR 16.505(b)(6))				
44. Are documents filed correctly in PCF? If not, what documents are misfiled, missing or unsigned? (AFARS 5104.802(f)(i)(1), Army Cabinet Index, see VCE PCF Help for current Index in the PCF Folder Structures)				
45. Additional File Review Comments:				

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<b>Task Order Documents</b>				
46. CONSTRUCTION: Has the PCO made a written delegation to the ACO with the appropriate authority and correct warrant level reflected? (UAI 5101.603-3-100)				
47. Was a properly qualified and trained COR nominated by the COR Supervisor via PIEE JAM, or does the file include documentation for contract oversight/surveillance? (DFARS 201.602-2, AFARS 5101.602-2-91, UAI 5101.604-100)				
48. CONSTRUCTION: Will performance and payment bonds, and/or Insurance, be required in the requisite amounts from the awardee prior to issuing Notice-to-Proceed (NTP)? (FAR 28.102-1, FAR 28.306 - 28.307)				
49. Does the Award Letter include the Contracting Officer Authority Statement? (UAI 5115.504) <i>“Only a warranted Contracting Officer (either a Contracting Officer or an Administrative Contracting Officer (ACO)), acting within their appointed limits, has the authority to issue modifications or otherwise change the terms and conditions of this contract. If an individual other than the Contracting Officer attempts to make changes to the terms and conditions of this contract, you shall not proceed with the change and shall immediately notify the Contracting Officer. Proceeding with any work not authorized by the Contracting Officer will be at the Contractor’s own risk.”</i>				
50. Are appropriate terms and conditions incorporated within the award documents (e.g., accepted final technical proposal, accepted betterments/proposal strengths, and accepted CLINS) as applicable? (FAR 15.504)				
51. Are required Wage Rate Requirements (Construction) (formerly Davis-Bacon Act (DBA)) and/or Service Contract Labor Standards (formerly Service Contract Act (SCA)) wage decision(s) in the base IDC? If not, is the current, applicable wage decision(s) in the task order award document? (FAR 22.404-2 and 22.1007)				



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52. Has the Contract Action Report (CAR) been prepared and is it free of any apparent errors? (DFARS 204.602 and 204.606)				
53. Is the NAICS Code consistent between the DD 2579 and the solicitation and is the Product Service Code (PSC) on the CAR and in the SPS CLIN correct and consistent? (FAR 19.102)				
54. Were the CAR "Recovered Materials/ Sustainability" and "Use of EPA Designated Products" data fields marked appropriately? Note: Ensure careful review of contract scope to determine if these data fields require a selection other than default "No Clauses Included and No Sustainability Included" (Not part of CAR Validation - must be manually completed). Selection may be non-clause choices (i.e., "energy efficient," "environmentally preferable," etc.). (See <a href="#">Environmental Compliance &amp; Sustainability SharePoint</a> for additional environmental compliance and sustainability information. For assistance, see <a href="#">USACE Sustainability Clauses Tool V8</a> )				
55. If the contract contains options not exercised at the time of award, is there a separate CLIN for each? (FAR 17.206(a) and DFARS Subpart 204.71)				
56. If the award contains options, were they evaluated prior to award, or is a PCO determination, approved one level above the PCO that it is not in the Government's best interest to evaluate options? (FAR 17.206(b))				
57. Does the file contain evidence of Legal Review for contract actions ≥ \$500K and evidence that all comments have been adequately addressed? (UAI 5101.602-2-90)				

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<p>For task orders &gt;\$7.5M (only after the total estimated value of the IDV has been reached), has Congressional Notification been prepositioned for release within the proper timeframe, to include coordination, if applicable, with the Peer Review Endorser? (DFARS 205.303(a)(i)(B))</p>				
<b>PEER REVIEW COORDINATION ACTIVITIES</b>				
<p>59. 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></p>				
<p>60. Has coordination with the appropriate Procurement Analyst (CoCO/SCO) been completed for scheduling the CRB? (UAI 5101.170)</p>				
<p>61. Does the file contain the results from the Solicitation Review Board (SRB)? (DFARS 201.170)</p>				
<p>62. Were recommendations from the SRB made prior to issuance of the solicitation? If not, has the PCO coordinated with the Peer Review Endorser the rationale for not making the recommended revisions? (DFARS 201.170 and AFARS 5101.170(b)(iii))</p>				

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63. Has access to PCF been provided to the CoCO/SCO or higher-level peer review members? <i>(UAI 5104.802-100)</i>				
64. Is there a scheduled date for uploading CRB lessons learned, best practices, systemic issues, etc. to the Central Peer Review SharePoint Site? <i>(DFARS PGI 201.170-1, AFARS 5101.170(b)(iv) and UAI 5101.170(c)(1)(iii))</i>				



## Acronym Glossary

**AFARS** - Army Federal Acquisition Regulation Supplement

**AT/OPSEC** - Anti-Terrorism Operations Security

**BCOES** - Biddability, Constructability, Operability, Environmental and Sustainability

**BOB** - Business Oversight Branch

**CAR** - Contract Action Report

**CCC** - Center Contracting Chief

**CoCO** - Chief of the Contracting Office

**CHES** - Computer Hardware, Enterprise Software and Solutions

**CLINS** - Contract Line Item Numbers

**COR** - Contracting Officer's Representative

**CPAF** - Cost Plus Award Fee

**CPARS** - Contractor Performance Assessment Reporting System

**CPIF** - Cost Plus Incentive Fee

**CRB** - Contract Review Board

**DFARS** - Defense Federal Acquisition Regulation Supplement

**DOC** - Director of Contracting

**DoD SSP** - DoD Source Selection Procedures

**EVMS** - Earned Value Management System

**FAR** - Federal Acquisition Regulation

**FBO** - Federal Business Opportunities

**FFP** - Firm Fixed Price

**GFP** - Government Furnished Property

**HCA** - Head of the Contracting Activity

**IDC** - Indefinite Delivery Contracts

**IDIQ; ID/IQ** - Indefinite Delivery, Indefinite Quantity Contract

**IGE** - Independent Government Estimate

**J&A** - Justification and Approval

**LPTA** - Lowest Price Technically Acceptable

**MATOC** - Multiple Award Task Order Contract

**MILCON** - Military Construction

**NAICS** - North American Industry Classification System

**OPORD** - Operations Order

**PA** - Procurement Analyst

**PCF** - Paperless Contract File

**PCO** - Procuring Contracting Officer

**PIEE** - Procurement Integrated Enterprise Environment

**PNM** - Price Negotiation Memorandum

**POM** - Pre-negotiation Objectives Memorandum

**PWS** - Performance Work Statement

**QASP** - Quality Assurance Surveillance Plan

**RCC** - Regional Contracting Chief

**RFP** - Request for Proposals

**SAM** - System for Award Management

**SAT** - Simplified Acquisition Threshold

**SATOC** - Single Award Task Order Contract

**SCO** - Senior Contracting Official

**SOW** - Statement of Work

**SPS** - DoD Standard Procurement System

**SRB** - Solicitation Review Board

**SSA** - Source Selection Authority

**SSDD** - Source Selection Decision Document

**TAPS** - Time at SCO System

**UAI** - USACE Acquisition Instruction **UDG** - USACE Desk Guide