

U.S. Army Corps of Engineers (USACE)

MODIFICATION COMPLIANCE CHECKLIST (ALL CONTRACT TYPES)

For use of this form, see USACE Acquisition Instruction; the proponent agency is CECT-P.

Contract Number		Task Order Number		Modification Number		Estimated Value of Acquisition	
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.							
THE FILE							
1.	Does the modified Statement of Work (SOW) / Performance Work Statement (PWS) / Specifications reflect minimum Government needs within the scope of the basic contract(s)?						
2.	If the modified SOW/PWS/Specifications are not within the scope of the basic contract, has a Justification & Approval (J&A) been coordinated and approved by the appropriate authority and included in PCF? (FAR 6.3)						
3.	Is the modification otherwise in accordance with the terms of the associated contract (e.g., contract includes referenced clauses; contract is currently active, if modification is within IDIQ (or Transfer of Contract Capacity Agreement (TCCA)) contract capacity, etc.)?						
4.	Does the modification package include documentation of the changed condition(s), an analysis of related cost/pricing data, and sufficient rationale to support the final negotiated amount and terms (e.g., Pre-negotiation Objective Memorandum (POM) and Price Negotiation Memorandum (PNM) documentation)? (FAR 15.406-1, 43.102, DFARS 215.406-1, 215.406-3, AFARS 5115.406-1, and 5115.406-3)						
5.	Were the Pre-negotiation Objectives in sufficient detail to facilitate negotiation of a fair and reasonable price? (FAR 15.406-1, DFARS 215.406-1, and AFARS 5115.406-1)						
6.	Was the POM signed by the Contracting Officer prior to negotiations? (FAR 15.406-1(b), DFARS 215.406-1, and AFARS 5115.406-1)						
7.	Is the 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? (FAR 15.406-3, DFARS 215.406-3, and AFARS 5115.406-3)						

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8.	If applicable, does the file include copies of original and revised PWS/SOW or specifications, contractor proposals and IGE? (FAR 4.803(a))				
9.	Is the modification properly identified as a bilateral or unilateral action, and proper authority cited? (FAR 43.102 and 43.103)				
10.	If required, was a Certificate of Current Cost or Pricing Data obtained, dated after the date of final price agreement or was an appropriate exception utilized? (FAR 15.406-2, DFARS 215.403, 215.406-2(c)(i), AFARS 5115.403-1(c)(4), and UAI 5115.403)				
11.	Does the file document the Contracting Officer's determination that the modification price is fair and reasonable? (FAR 15.404-1)				
12.	When required, does the file indicate the Contracting Officer obtained the consent of surety? (FAR 28.106-5)				
13.	For a modification to exercise an option or extend services, does the file include the Determination required by FAR 17.207, DFARS 217.207, AFARS 5117.207, and UAI 5117.202(b))?				
14.	If the contract contains options, was a notice provided to the contractor within the time period specified in the contract prior to exercising the option? (FAR 17.207(a) and UAI 5117.200)				
15.	Services Only: If the modification is related to exercising an optional period of performance under a contract for severable services (for a period that begins in one fiscal year and ends in the next fiscal year) did the Contracting Officer ensure that the modified period of performance did not exceed 1 year? (DFARS 232.703-3(b))				

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16.	When exercising an up to six (6) month extension using FAR Clause 52.217-8, Option to Extend Services, did the Contracting Officer evaluate the price of the six (6) month extension option as part of the source selection before award? If not, has a J&A been reviewed and approved? (AFARS 5117.206)				
17.	For a modification to exercise an option to extend the ordering period of the base IDC, were previous modifications to extend the ordering period exercised in a timely manner and in compliance with FAR 17.207? (Review all modifications to confirm that the contract is still active).				
18.	For modifications to exercise options, does the associated Determination include the requirements at FAR 17.207, AFARS 5117.207, and UAI 5117.2?				
19.	For Unpriced Change Orders, does the modification specify a reasonable not-to-exceed price and proper definitization schedule? (FAR 43.204, DFARS 243.204-70-2, 243.204-70-3, 243.204-70-4, and UAI 5143.204-70-100)				
20.	For Supplemental Agreements reflecting an equitable adjustment as the result of a Change Order, does the modification include the "Contractor's Statement of Release" or similar language? (FAR 43.204(c))				
21.	If a modification to a construction contract is required because of an error or deficiency in the services provided under an Architect-Engineer (A-E) contract, did the contracting officer (with the advice of technical personnel and legal counsel) consider the extent to which the A-E contractor may be reasonably liable? (FAR 36.608)				
22.	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)				
23.	For modifications to terminate contracts at the Government's convenience, did the Contracting Officer fully coordinate with senior officials of the activity which requested establishment of the contract? (AFARS 5149.101)				
24.	For modifications to terminate contracts at the Government's convenience, does the modification clearly identify the terms of the settlement agreement? Do the agreement terms compensate the contractor fairly for work performed, to include a reasonable allowance for profit? (FAR 49.109, 49.201, and AFARS 5149.1)				
25.	For modifications to completely or partially terminate contracts for default, does the file include the documentation required by FAR 49.402-3 and the Contracting Officer's memorandum required by FAR 49.402-5?				

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26.	For modifications to completely or partially terminate contracts for default awarded as a result of a Military Interdepartmental Purchase Request (MIPR), did the Contracting Officer fully coordinate with senior officials of the activity which requested establishment of the contract? (AFARS 5149.101-90)				
27.	For modifications to completely or partially terminate contracts for default, does the file reflect an intent to prepare a past performance evaluation? (FAR 42.1502(e - f), AFARS 5142.401, and UAI 5142.1502-100)				
28.	If ≥ \$500K, or any action described in UAI 5101.602-2-90(c) regardless of dollar value, does the file include evidence of legal review of the modification documentation and have comments, if any, been incorporated? (UAI 5101.602-2-90)				
29.	Does the file contain an approved and certified PR&C sufficient to fund the total amount of the modification? (FAR 43.105)				
30.	Was the funding provided on the PR&C the proper year and type of funding for the modification?				
31.	Was an Independent Government Estimate (IGE) received prior to receipt of proposal? If not, did the proposal remain unopened until the IGE was received? (AFARS 5107.90 and UAI 5107.9002)				
32.	Does the modification IGE conform to the requirements of AFARS 5107.90 and UAI 5107.9002?				
33.	If revisions were made to the IGE, does the file include documentation regarding those changes with updated review and approval signatures? (AFARS 5101.90 and UAI 5101.9002)				
34.	Has the contractual delivery date/period of performance been adjusted to accommodate schedule changes resulting from the modification, and appropriate consideration documented? (FAR 1.108(d)(3) and 43.204)				

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35.	If the modification meets the criteria in FAR 19.702 for a Subcontracting Plan, or a qualifying option is exercised, does the file document that the goals associated with the modification or option have been added to those in the existing Subcontracting Plan? Have edits to the approved Subcontracting Plan been reviewed by Deputy for Small Business Programs and incorporated into the contract? (FAR 19.705-2(e))				
36.	Does the file contain documentation that the contractor is active in the System for Award Management (SAM) (sam.gov) and has no SAM exclusions? (FAR 4.1103 and 9.405)				
37.	Does the file document the contractor's responsibility status and Federal Awardee Performance and Integrity Information System (FAPIIS) verification within System for Award Management (SAM) Exclusions at System for Award Management (SAM.gov)? (FAR 9.103(b), 9.104-6, 9.106-4, DFARS 204.1103(2), and AFARS 5109.405(d)(1))				
38.	Has the Contract Action Report (CAR) been prepared and is it free of any apparent errors? (FAR 4.604, DFARS 204.602 and 204.606)				
39.	Are all documents filed correctly within the Paperless Contract File (PCF)? If not, what documents are misfiled, missing or unsigned? (AFARS 5104.802(f)(i)(1) and the Army Cabinet Index, see VCE PCF Help for current Index in the PCF Folder Structures)				

Acronym Glossary

A-E - Architect-Engineer

AFARS - Army Federal Acquisition Regulation Supplement

BOB - Business Oversight Branch

CAR - Contract Action Report

CLINS - Contract Line Item Numbers

COR - Contracting Officer's Representative

CPARS - Contractor Performance Assessment Reporting System

DFARS - Defense Federal Acquisition Regulation Supplement

DoD SSP - DoD Source Selection Procedures

FAR - Federal Acquisition Regulation

IDC - Indefinite Delivery Contracts

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

IGE - Independent Government Estimate

J&A - Justification and Approval

JAM - Joint Appointment Module

PA - Procurement Analyst

PCF - Paperless Contract File

PCO - Procuring Contracting Officer

PNM - Price Negotiation Memorandum

POM - Pre-negotiation Objectives Memorandum

PIEE - Procurement Integrated Enterprise Environment

PWS - Performance Work Statement

QAP - Quality Assurance Plan

QASP - Quality Assurance Surveillance Plan

SAM - System for Award Management

SOW - Statement of Work

UAI - USACE Acquisition Instruction

UDG - USACE Desk Guide