

ACQUISITION and PROPERTY DIVISION

Acquisition Programs and Oversight Branch

CONTRACT REVIEW BOARD

STANDARD OPERATING PROCEDURES

December 2012

PURPOSE

This document establishes the Standard Operating Procedures (SOP's) of the Acquisition and Property Division's (APD) Acquisition Programs and Oversight Branch (APOB) Contract Review Boards (CRB). CRB's are intended to supplement and not replace normal supervisory and Contracting Officer (CO) responsibilities.

SCOPE OF REVIEW

The CRB shall review actions outlined in these procedures to ensure that the proposed action, when properly executed, will comply with established acquisition policies, procedures, and regulations.

ACTIONS TO BE REVIEWED:

Normal supervisory and CO reviews and any subsequent necessary corrective actions must be performed prior to submittal to the APOB CRB. The CRB reserves the right to return the request if fundamental Federal Acquisition practices and/or procedures have not been followed.

APD Contract Review Board

The following actions shall be reviewed by the APD CRB:

- (a) Procurement actions exceeding \$5 million (inclusive of options) i.e. competitive, competitive 8(a), orders under GSA schedule, commercial items, etc. at the following phases: (1) solicitation; and (2) award. (Note: This does not include the exercising of previously negotiated options.)
- (b) Architect-Engineer (A-E) Services exceeding \$5 million at the following phases: (1) solicitation; and (2) award. For purposes of CRB Review, the solicitation stage of A-E selection is prior to issuance of the FedBizOpps synopsis requesting Standard Forms 330s (SF-330s).
- (c) Non-competitive procurement actions exceeding \$5 million (inclusive of options) at award.
- (d) All proposed Terminations for Convenience, Terminations for Cause, and Terminations for Default.
- (e) Liquidated Damages exceeding \$1,500 per calendar day. The Contracting Officer shall submit the Liquidated Damages Estimate and Determination to the Contract Review Board prior to issuing the solicitation. Based upon the initial review, additional information may be requested.

The entire file shall be submitted for review by the CRB, including:

1. Acquisition Plan.
2. Any associated clearances or waivers (i.e., Office of Small and Disadvantaged Business Utilization, Small Business Administration, Information Technology, etc.);
3. Memoranda to the file that summarize the background and history of the procurement;
4. The pre-negotiation position, summary of negotiation, source selection decision, etc.;
5. Notification of any protests, disputes, claims, or appeals; and,
6. A copy of all Acquisition Branch Chief/CO review comments.

APD BOARD MEMBERSHIP

The CRB membership shall consist of two to three individuals as follows:

- Chief, Acquisition Programs and Oversight Branch (APOB) (Chairperson); and
- Procurement Analysts, Senior Contract Specialists, or Level III CO's.

In the absence of the Chief, APOB, the Acting Chief, APOB, will serve as the Chairperson (or another individual if identified at the discretion of the Head of the Contracting Activity (HCAD) or Chief, APOB.)

APD REVIEW BOARD PROCESS

The CRB members will generally complete contract reviews electronically.

1. **Request for CRB Evaluation.** The Contract Specialist or CO shall provide Exhibit A, "APD Contract Review Board (CRB) Request Form," and a Word version of the solicitation or contract document via e-mail to the Chief, APOB. The associated file shall be physically delivered to the Chief, APOB.
2. **Pre-Evaluation Preparation.** Each CRB member shall thoroughly review the documents, making written notes of problems and other questionable items; and provide comments, suggestions, and recommendations, as appropriate, to improve the document and bring it into compliance with established policies, procedures, and regulations.
3. **CRB Submissions.** CRB members shall review the documentation in accordance with this SOP and will submit questions/comments to the chairperson for consolidation. The Chairperson will then submit the findings

electronically in accordance with the procedures in Item 4 below.

4. **Conduct of CRB.** CRB members shall discuss the action under review, including any questions or problems identified by individual members, if deemed necessary. The CO or Contract Specialist shall be available to explain or clarify any issues the CRB wants to discuss. Findings and recommendations shall be documented in Exhibit A.

5. **Resubmissions.** Dependent upon the nature of the recommended changes resulting from the CRB, it is the Acquisition Branch Chief's determination whether or not a subsequent CRB is necessary. When making his/her determination, the Acquisition Branch Chief should consider the complexity and magnitude of the CRB recommendations in terms of compliance with established acquisition policies, procedures, and regulations. When opting for a subsequent CRB, the Acquisition Branch Chief shall revise the action, as appropriate, to include a brief explanation of why the action is being resubmitted for review. At the time the document is resubmitted for CRB review, the new request shall be identified as a resubmission in large letters at the top of Exhibit A and the previous recommendations should be appended to the Exhibit to expedite the additional review. Depending upon the extent of the CRB recommended changes, the Acquisition Branch Chief should submit any resubmission, normally, within 5 business days after receipt of the recommended changes.

At the election of the Chairperson, the revised action may be reviewed by the entire CRB membership, or by someone designated by the Chairperson.

6. **Documentation of Findings.** All CRB findings and recommendations shall be reflected on the CRB Review Form (Exhibit A) under **Review Board Findings**. Each CRB reviewer shall affix his/her signature and date to denote CRB participation.

The Chairperson shall use the CRB Review form, with the attachments, to identify those findings of specific elements that did not comply with established acquisition policy, procedure, or regulation. The findings shall be attached to Exhibit A. Other CRB recommendations may be appended thereto, as necessary. Exhibit A, with attachments, will be forwarded by e-mail to the contract specialist, CO, and Acquisition Branch Chief.

A copy of the completed CRB (Exhibit A with any attachments) shall be retained in APD, APOB. The original shall be placed in the contract file. Each resubmission will require a new record. At the discretion of the Chairperson, a copy of the findings may also be forwarded to the HCAD, APD.

The CRB serves in an advisory capacity only. Ultimately, it is the responsibility of the CO to ensure compliance with established acquisition policy, procedure, and regulation. Lack of adherence to the CRB recommendations shall be

documented in the contract file along with additional documentation demonstrating compliance with the applicable policy, procedure, or regulation.

7. **Timeline.** The review shall be complete and the results of the CRB forwarded to the CO within 20 business days after receipt of the request package in APOB.

WAIVER OF APD CRB REVIEW REQUIREMENT

Waiver of the APD CRB requirement for any of the above actions may be granted by the HCAD, APD. A written request that includes the reasons why the waiver is necessary must be submitted to the HCAD.

EFFECTIVE DATE

This SOP outlined herein supersedes all previous procedures and becomes effective upon issuance and will remain in effect until revised or canceled.

CRB Standard Operating Procedures Approval:

Michael L. Barnes
Head of the Contracting Activity Designee
Acquisition and Property Division

05/29/2012

Exhibit A

Acquisition and Property Division

Contract Review Board Request

I. To be completed by the requesting branch

SOLICITATION/CONTRACT NO: _____

DESCRIPTION OF SUPPLIES/SERVICE:

ESTIMATED DOLLAR AMOUNT (including options):

TYPE OF ACTION TO BE REVIEWED: _____

CONTRACT SPECIALIST: _____

(signature/date)

CONTRACTING OFFICER: _____

(signature/date)

ACQUISITION BRANCH CHIEF: _____

(signature/date)

Comments/Instructions:

II. To be completed by the ACQUISITION PROGRAMS and OVERSIGHT BRANCH (APOB)

CRB scheduled for: _____

BOARD MEMBER: _____

(signature/date)

BOARD MEMBER: _____

(signature/date)

CHAIRPERSON: _____

(signature/date)

Review Board Findings:

See Attached.