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Sent: Friday, February 26, 2010 4:55 PM
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M_HQMC_MCFCS_Enlisted; M_HQMC_MCFCS_Officer
Cc: M_HQMC_LB; Romano CIV Mark; Oliver CIV R. Kaye; Daise CIV Stanley C
Subject: APM 10-03 Peer Review Procedures for MCFCS Acquisitions
Signed By: cathy.collins@usmc.mil

Attachments: Peer Review Procedures.doc



Peer Review
Procedures.doc

All,

BACKGROUND:

a. DFARS 201.170 requires military departments, defense agencies and Department of Defense (DoD) field activities to establish Peer Review procedures for solicitations and contracts valued at less than \$1 billion. DASN(A&LM) memo of 26 March 2009 identifies the Peer Review authority at the HCA level as follows:

Type of Action	Threshold
Supplies	\$50 million up to & including \$1 billion
Services	\$50 million up to \$250 million

b. The objectives of Peer Reviews are to:

- (1) Ensure that Contracting Officers are implementing policy and regulations in a consistent and appropriate manner;
- (2) Improve the quality and effectiveness of the contracting process; and
- (3) Facilitate cross-sharing of best practices and lessons learned.

POLICY: Paragraph 2 of the attached document outlines the policy for pre-award and post-award Peer Reviews of Marine Corps Field Contracting System (MCFCS) solicitations and contracts that fall within the thresholds designated above. This Peer Review policy is effective immediately and will be incorporated into the Marine Corps Acquisition Procedures Supplement (MAPS) in the next update.

PROCEDURES:

a. Paragraph 3 of the attached document provides specific procedures for conducting all required Peer Reviews. These procedures shall be implemented immediately for all acquisitions that are within the thresholds identified above. In addition, the procedures will be incorporated into next Contract Management Process Guide (CMPG) update.

b. Note that documents identified in blue font in the procedures are included as attachments to the Peer Review procedures, but will be hyperlinked when the procedures are incorporated into CMPG.

R/ cc

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Peer Review Procedures for MCFCS Acquisitions

1. Purpose

a. [DFARS 201.170](#) requires military departments, defense agencies and Department of Defense (DoD) field activities to establish Peer Review procedures for solicitations and contracts valued at less than \$1 billion. [DASN\(A&LM\) memo of 26 March 2009](#) identifies the Peer Review authority at the HCA level as follows:

Type of Action	Threshold
Supplies	\$50 million up to & including \$1 billion
Services	\$50 million up to \$250 million

b. The objectives of Peer Reviews are to:

- (1) Ensure that Contracting Officers are implementing policy and regulations in a consistent and appropriate manner;
- (2) Improve the quality and effectiveness of the contracting process; and
- (3) Facilitate cross-sharing of best practices and lessons learned.

c. This document implements the HQMC, I&L (Contracts) policy and procedures for pre-award and post-award Peer Reviews of Marine Corps Field Contracting System (MCFCS) solicitations and contracts that fall within the thresholds designated in the table above.

d. Peer Reviews are advisory in nature and are conducted in a manner to preserve the authority, judgment and discretion of the Contracting Officer.

2. Policy

a. For supply acquisitions valued at \$50 million up to and including \$1 billion, and service acquisitions valued at \$50 million up to \$250 million, Peer Reviews shall be performed as outlined below:

(1) Pre-Award.

(a) For competitive actions, pre-award Peer Reviews shall be conducted at three points in the contracting process:

- (i) Prior to issuance of the solicitation;
- (ii) Prior to request for final proposals; and
- (iii) Prior to contract award.

(b) In the event the Contracting Officer determines award can be made based on evaluation of initial proposals (i.e. without discussions), the Peer Review Lead may determine to conduct the second and third Peer Reviews concurrently.

(c) For non-competitive actions, pre-award Peer Reviews shall be conducted at two points in the contracting process:

- (i) Prior to approval of the pre-negotiation clearance, and
- (ii) Prior to approval of the post-negotiation clearance.

(2) Post-Award. Only one post-award Peer Review is required for all contracts. This post-award Peer Review shall be conducted prior to the mid point of contract performance, but no later than prior to exercising the first option period (if applicable).

b. Per Enclosure (1) of [DASN\(A&LM\) memo of 26 March 2009](#), for continuity, Peer Review Teams for a specific acquisition shall, to the extent practicable, be comprised of the same members for all reviews, from the pre-award phase through the post-award phase.

c. When a Peer Review at the DASN(A&LM) or DPAP level is required, the CCO shall contact the HQMC, I&L (Contracts), Performance Management Branch Head, to provide notification of the required Peer Review and coordinate arrangements for the Peer Review event.

3. Procedures

ACTION	PROCEDURE	REFERENCES
1.0 Initiate a Peer Review Event	<p>1.1 CCO or Deputy CCO of the MCFCS Office Requiring the Peer Review:</p> <p style="padding-left: 40px;">1.1.1 No later than 60 calendar days prior to the event requiring the Peer Review:</p> <p style="padding-left: 80px;">1.1.1.1 Complete the Peer Review Request Template.</p> <p style="padding-left: 80px;">1.1.1.2 Update the Plan of Action & Milestones (POA&M) to reflect the most current acquisition schedule, including the time to conduct all required Peer Review events, develop Peer Review Reports, and prepare disposition of Peer Review observations and recommendations.</p> <p style="padding-left: 80px;">1.1.1.3 Submit the completed Peer Review Request, along with the updated POA&M, via email to the HQMC, I&L (Contracts), Performance Management Branch Head.</p>	Peer Review Request Template (incl below, but to be hyperlinked when issued)
2.0 Identify Peer Review Participants & Schedule Peer Review Event	<p>2.1 HQMC, I&L (Contracts), Performance Management Branch Head:</p> <p style="padding-left: 40px;">2.1.1 Review the acquisition's POA&M and ensure that adequate time for conducting all required Peer Review events is depicted.</p> <p style="padding-left: 40px;">2.1.2 Determine whether the request is to conduct the first Peer Review event for the acquisition, or if the request is for a follow-on Peer Review.</p> <p style="padding-left: 80px;">2.1.2.1 If the request is for the first Peer Review event for the acquisition:</p> <p style="padding-left: 120px;">2.1.2.1.1 Assign an HQMC, I&L (Contracts) representative</p>	MCFCS Peer Review Schedule (incl below, but to be hyperlinked when issued)

	<p>to participate in the requested Peer Review event.</p> <p><i>Note: The HQMC, I&L (Contracts) representative will be the Peer Review Lead for all Peer Review events.</i></p> <p>2.1.2.1.2 Based on the Peer Review event date listed in the POA&M, use the MCFCS Peer Review Schedule to identify the MCFCS participants responsible for participating in the requested Peer Review event.</p> <p>2.1.2.1.3 Notify the CCO and Deputy CCO from each of the two participating MCFCS offices (as outlined in the MCFCS Peer Review Schedule) of the upcoming Peer Review event. Include in the notification a copy of the Peer Review Request, the POA&M, and the requirement for either the CCO or Deputy CCO to participate in the Peer Review event.</p> <p>2.1.2.2 If the request is for a follow-on Peer Review event, notify the previous Peer Review Team (the HQMC, I&L (Contracts) representative and the two MCFCS representatives) of the upcoming Peer Review event. Include in the notification a copy of the Peer Review Request and the acquisition's POA&M.</p> <p>2.1.3 Schedule with the Peer Review Team no more than three working days for the Peer Review event.</p> <p><i>Note: The Peer Review Request Template requires identification of any contract documents that require HQM, DASN, or ASN(RD&A) approval. These documents do not have to be approved at the time of scheduling the Peer Review event, but the documents must be approved prior to conducting the Peer Review event.</i></p> <p>2.1.4 Notify the Contracting Officer assigned to the acquisition of the Peer Review date and the Peer Review Team members.</p> <p>2.1.5 Request the Contracting Officer reserve meeting space for the Peer Review event and notify the Peer Review Lead if there is a conflict.</p> <p>2.2 Peer Review Lead:</p> <p>2.2.1 Determine if advisory support (local counsel, small business representatives, etc.) is needed in addition to the designated Peer Review Team.</p> <p>2.2.2 If advisory support is necessary:</p> <p>2.2.2.1 Contact the appropriate personnel and provide notification of the Peer Review schedule.</p> <p>2.2.2.2 Notify the Contracting Officer for the acquisition of the additional attendee(s).</p>	
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<p>3.0 Prepare for Peer Review Event</p>	<p>3.1 Contracting Officer:</p> <p>3.1.1 Coordinate all necessary arrangements for the Peer Review event, including but not limited to meeting space, badging, and parking.</p> <p>3.1.2 Forward all documentation identified in the Peer Review Documents List, for the applicable Peer Review event to the Peer Review Team and advisory support attendee(s), if any, via email. If documents are too large to send via email, coordinate another method of transmission with the Peer Review Lead.</p> <p>3.1.3 Provide an updated POA&M reflecting the most current acquisition schedule, including the Peer Review date and time for disposition of the Peer Review Team’s observations and recommendations.</p> <p>3.2 Peer Review Lead:</p> <p>3.2.1 Assign a member of the Peer Review Team to document the Peer Review findings. These findings should identify the specific observations and recommendations of the Peer Review Team.</p>	<p>Peer Review Documents List (incl below, but to be hyperlinked when issued)</p>
<p>4.0 Conduct Peer Review Event</p>	<p>4.1 Peer Review Lead:</p> <p>4.1.1 Facilitate the Peer Review event:</p> <p>4.1.1.1 Address each item identified in the Elements to be Addressed During Peer Reviews document for the specific Peer Review event being conducted.</p> <p>4.1.1.2 Conduct the Peer Event in a manner that preserves the authority, judgment, and discretion of the Contracting Officer and the senior officials of the acquiring activity.</p> <p>4.1.2 Prior to concluding the Peer Review event, review the documented findings and summarize the specific observations and recommendations. Note that the recommendations that are products of Peer Reviews are intended to be advisory in nature.</p>	<p>Elements to be Addressed During Peer Reviews (incl below, but to be hyperlinked when issued)</p>
<p>5.0 Prepare Peer Review Report</p>	<p>5.1 Peer Review Lead:</p> <p>5.1.1 Within 3 working days after the conclusion of the Peer Review event:</p> <p>5.1.1.1 Prepare a Peer Review Report that includes the findings, observations, and recommendations documented during the Peer Review using the Peer Review Report Template. Note that the Peer Review Report is a discoverable document that can be released in the face of a protest.</p> <p>5.1.1.2 Submit the completed Peer Review Report to the CCO and Deputy CCO of the contracting activity where the review</p>	<p>Peer Review Report Template (incl below, but to be hyperlinked when issued)</p>

	<p>was solicited, to the Contracting Officer of the acquisition, to the other members of the Peer Review Team, and to advisory support attendees, if any.</p>	
<p>6.0 Respond to Peer Review Team Observations & Recommendations</p>	<p>6.1 Contracting Officer:</p> <p>6.1.1 Draft a memorandum that outlines the activity's disposition to each of the Peer Review observations and recommendations.</p> <p>6.1.2 Provide the completed memorandum to the CCO or Deputy CCO of the activity requiring the Peer Review for review and signature.</p> <p>6.2 CCO or Deputy CCO of Activity Requiring the Peer Review:</p> <p>6.2.1 Sign the memorandum and forward to the Peer Review Team.</p> <p>6.3 Contracting Officer:</p> <p>6.3.1 Include the signed memorandum in the contract file.</p>	

Peer Review Request Template
Template Version November 2009

Use the template outlined below to submit a request for a Peer Review event. Tailor all aspects of this template to the individual acquisition and ensure that any template areas providing sample language or instructions (e.g. italicized and/or red language) are deleted prior to submitting the request.

Peer Review Request

1. Name of Peer Review Event Being Requested: ***Insert Name of Peer Review Event Being Requested (e.g., Pre-Solicitation Peer Review, Pre-Negotiation Peer Review, etc.)***
2. Title of Acquisition: ***Insert Title of Acquisition.***
3. MCFCS Office Where the Acquisition is Being Procured: ***Identify the MCFCS Office where the acquisition is being procured.***
4. Solicitation Number: ***Insert the solicitation number.***
5. Solicitation Title: ***Insert the title of the solicitation.***
6. Description: ***Insert a brief (2-3 sentence) description of the acquisition.***
7. Contract Type: ***Identify the contract type, including whether there are option years, and if so, how many.***
8. Estimated Value: ***Insert the estimated value of the acquisition (including option years) for each year, and the aggregate value.***
9. Period of Performance: ***Insert the period of performance of the acquisition.***
10. Contracting Officer: ***Identify the name of the Contracting Officer and provide contact information.***
11. First or Follow-on Peer Review Event: ***Mark the appropriate line below to indicate whether the requested Peer Review is a first Peer Review event or a follow-on Peer Review event:***

 First Peer Review Event Follow-on Peer Review Event
12. Previous Peer Reviews Conducted: ***If the requested Peer Review event is a follow-on Peer Review, identify what were the events, board members, when was it held***
 - a. Name of Peer Review Event Conducted: ***Insert Name of Peer Review Event Conducted***
 - b. Date of Peer Review Event Conducted: ***Insert Name of Peer Review Event Conducted***
 - c. Name of Peer Review Event Conducted: ***Insert Name of Peer Review Event Conducted***
13. Contract Documents Requiring Approval:

If there are any contract documents that require HQMC, DASN, or ASN(RD&A) approval (i.e. justifications, determinations, etc.) list the document names in the table below and indicate whether or not the document has been approved.

Note that all contract documents requiring approval must be approved prior to conducting the Peer Review event.

Document Name	Approval Authority	Approval Received?
<i>Insert Document Name</i>	<i>Indicate Authority for Approval Documents</i>	<i>Indicate "Yes" or "No"</i>
<i>Insert Document Name</i>	<i>Indicate Authority for Approval Documents</i>	<i>Indicate "Yes" or "No"</i>

CCO or Deputy CCO of MCFCS Office Requiring the Peer Review Event:

(Signature) _____ Date: _____

Printed Name and Title: _____

MCFCS Peer Review Schedule

1. Assignment of MCFCS Peer Review participants will rotate every quarter in accordance with the schedule below.
2. The MCFCS Peer Review Schedule applies only to the first Peer Review for an acquisition. The Peer Review Team for follow-on Peer Reviews will be the same Peer Review Team that conducted the first Peer Review for the acquisition, regardless of when the follow-on Peer Reviews occur.
3. Alternate MCFCS participants identified in the below schedule are ONLY for the purposes of participating in a Peer Review when a scheduled MCFCS office is the same office requiring a Peer Review.
4. The MCFCS Peer Review Schedule is as follows:

FY 2010 Peer Review Schedule

Time Frame	Oct 09 – Dec 09	Jan 10 – Mar 10	Apr 10 – Jun 10	Jul 10 – Sep 10
Primary MCFCS Participants		MCB Camp Lejeune	MCB Quantico	MCLC Albany
		MCRD Parris Island	MCB Camp Pendleton	MCB Camp Lejeune
Alternate MCFCS Participants		MCB Quantico*	MCLC Albany*	MCRD Parris Island*

FY 2011 Peer Review Schedule

Time Frame	Oct 10 – Dec 10	Jan 11 – Mar 11	Apr 11 – Jun 11	Jul 11 – Sep 11
Primary MCFCS Participants	MCRD Parris Island	MCB Camp Pendleton	MCB Camp Lejeune	MCB Quantico
	MCB Quantico	MCLC Albany	MCRD Parris Island	MCB Camp Pendleton
Alternate MCFCS Participants	MCB Camp Pendleton*	MCB Camp Lejeune*	MCB Quantico*	MCLC Albany*

FY 2012 Peer Review Schedule

Time Frame	Oct 11 – Dec 11	Jan 12 – Mar 12	Apr 12 – Jun 12	Jul 12 – Sep 12
Primary MCFCS Participants	MCLC Albany	MCRD Parris Island	MCB Camp Pendleton	MCB Camp Lejeune
	MCB Camp Lejeune	MCB Quantico	MCLC Albany	MCRD Parris Island
Alternate MCFCS Participants	MCRD Parris Island*	MCB Camp Pendleton*	MCB Camp Lejeune*	MCB Quantico*

* The ONLY circumstance when an Alternate MCFCS office will participate in a Peer Review is when a scheduled MCFCS office is the same office requiring the Peer Review.

Peer Review Documents List

1. Pre-Award Peer Reviews for Competitive Acquisitions. At a minimum, Peer Review Teams shall have access to the following documents:

a. Pre-solicitation phase.

- (1) The requirements document;
- (2) The acquisition strategy, or acquisition plan;
- (3) The source selection plan;
- (4) The initial Request for Proposals (RFP), including all attachments (e.g., Quality Assurance Surveillance Plan (QASP), if applicable, etc.); and
- (5) Award/incentive fee arrangements, documentation of any required Head of Contracting Activity Determination & Findings (D&Fs) regarding non-availability of objective criteria.

b. Pre-Negotiation or prior to request of final proposals.

- (1) The observations and recommendations and the disposition to those observations and recommendations from the previous Peer Review event;
- (2) The final RFP and all amendments to include what, if any, RFP requirements (technical and contractual) were changed and why;
- (3) The Source Selection Evaluation Board (SSEB) analysis and findings, including the Technical Evaluation Board (TEB) report, price/cost evaluation board report, and evaluation documentation on past performance, to ensure the evaluation of offers is consistent with the Source Selection Plan (SSP) and RFP criteria;
- (4) All minutes memorializing the conduct of Source Selection Advisory Council (SSAC) deliberations held to date (if an SSAC has been established);
- (5) Documentation of pre-negotiation business clearance memorandum (BCM) objectives, including the assessment of contractor risk in determining profit or fee;
- (6) Any amendments to be issued against the solicitation; and
- (7) All evaluation notices generated as a result of deficiencies in the offerors' proposals.

c. Pre-Award Phase.

- (1) The observations and recommendations and the disposition to those observations and recommendations from the previous Peer Review event;
- (2) Documentation of discussions between the Government and offerors;
- (3) Offerors' responses to all evaluation notices generated as a result of deficiencies in the offerors' proposals;
- (4) The offerors' responses to the request for Final Proposal Revision;
- (5) The final evaluation findings of the SSEB, inclusive of the final TEB report, price/cost evaluation board report, and evaluation documentation on past performance;
- (6) The final SSAC deliberations;
- (7) The final SSA determination and source selection decision; and
- (8) Documented post-negotiation BCM.

2. Pre-Award Peer Reviews for Non-Competitive Actions. At a minimum, Peer Review Teams shall have access to the following documents:

a. Pre-Negotiation Phase.

- (1) Justification and Approval (J&A) for use of non-competitive procedures;
- (2) The requirements document;

- (3) The acquisition strategy, or acquisition plan;
- (4) The RFP and all amendments to include what, if any, RFP requirements (technical and contractual) were changed and why;
- (5) Award/incentive fee arrangements, documentation of any required HCA D&Fs regarding non-availability of objective criteria; and
- (6) Documentation of pre-negotiation BCM objectives, including the assessment of contractor risk in determining profit or fee.

b. Pre-Award Phase.

- (1) The observations and recommendations and the disposition to those observations and recommendations from the previous Peer Review event;
- (2) Any meeting minutes memorializing discussions between the Government and the offeror;
- (3) Any evaluation notices generated as a result of deficiencies in the offeror's proposal as well as the offeror's responses to those evaluation notices; and
- (4) Documentation of cost/price negotiation.

3. Post-Award Peer Reviews. At a minimum, Peer Review Teams shall have access to the following documents:

a. Post-Award Phase.

- (1) The requirements document;
- (2) The business arrangement, including business case analysis;
- (3) Market research documentation;
- (4) Pre/Post negotiation business clearances, including documentation of cost/price negotiation and the assessment of contractor risk in determining profit or fee;
- (5) Contractor surveillance documentation to include metrics, quality assurance surveillance plans; and
- (6) The contract and modifications thereof.

Elements to be Addressed During Peer Reviews

1. Pre-Award Peer Reviews for Competitive Acquisitions. Pre-Award Peer Reviews for competitive acquisitions shall address the elements outlined below:

a. Pre-solicitation phase.

- (1) The process and the nature and intent of the requirement is clearly stated and understood by both Government and Industry.
- (2) The evaluation factors in the Source Selection Plan (SSP) are clearly defined and are included in the solicitation.
- (3) Contracting mechanisms to incentivize contract performance are appropriate.
- (4) If the acquisition is performance based, performance objectives, performance standards, and incentives are included and adequately addressed in the appropriate solicitation documents (i.e. Statement of Objectives (SOO)/Statement of Work (SOW)/Performance Work Statement (PWS), Performance Requirements Summary (PRS), and Quality Assurance and Surveillance Plan (QASP)).
- (5) If required, a QASP is included and adequate.
- (6) The proposed business arrangement, including contract type, is in the best interest of the Government.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

b. Pre-Negotiation or prior to request of final proposals.

- (1) Source Selection is carried out in accordance with the Source Selection Plan and the solicitation.
- (2) The Source Selection Evaluation Board (SSEB) recommendations are well documented and included in the Contract File, including the Technical Evaluation Board (TEB) report, price/cost evaluation board report, and evaluation documentation on past performance.
- (3) When an SSAC is established, its recommendations are clearly documented and included in the contract file.
- (4) The Source Selection Authority (SSA) decision is clearly derived from the conduct of the source selection process.
- (5) All source selection documentation is consistent with the Section M evaluation criteria.
- (6) The pre-negotiation business clearance memorandum (BCM) adequately establishes the competitive range and clearly defines the discussion areas to be addressed with each offeror within the competitive range. The BCM is appropriately approved prior to conducting discussions.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

c. Pre-Award Phase.

- (1) Discussions with offerors are well documented.
- (2) The final evaluation findings of the SSEB, inclusive of the final TEB report, price/cost evaluation board report, and evaluation documentation on past performance, are well documented and reflect the conduct of the SSEB.
- (3) When an SSAC is established, the final recommendations are clearly documented and included in the contract file.
- (4) The final SSA determination is clearly derived from the conduct of the source selection process.
- (5) The award decision reflects the best interest of the Government and is consistent with the evaluation criteria established in the solicitation.

- (6) The post-negotiation BCM documents negotiation results, the basis for a negotiated fair and reasonable price, any differences between the pre-negotiation objectives and the final negotiated positions, and has the proper approvals.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

2. Pre-Award Peer Reviews for Non-Competitive Actions. Pre-Award Peer Reviews for non-competitive actions shall address the elements outlined below:

a. Pre-Negotiation Phase.

- (1) The process and the nature and intent of the requirement is clearly stated and understood by both Government and Industry.
- (2) Rationale documenting why full and open competition procedures will not apply, citing the appropriate statutory authority.
- (3) Contracting mechanisms to incentivize contract performance are appropriate.
- (4) If the acquisition is performance based, performance objectives, performance standards, and incentives are included and adequately addressed.
- (5) If required, a Quality Assurance and Surveillance Plan (QASP) is included and adequate.
- (6) The proposed business arrangement, including contract type, is in the best interest of the Government.
- (7) Discussions are well documented.
- (8) The pre-negotiation BCM establishes negotiation objectives, reflects quantitative discounts where applicable, and contains appropriate approval prior to opening negotiations;
- (9) Any other issues/concerns of the Peer Review Team are addressed.

b. Pre-Award Phase.

- (1) Discussions with offerors are well documented.
- (2) The post-negotiation BCM documents negotiation results, the basis for a negotiated fair and reasonable price, any differences between the pre-negotiation objectives and the final negotiated positions, and has the proper approvals.
- (3) The award decision reflects the best interest of the Government.
- (4) Any other issues/concerns of the Peer Review Team are addressed.

3. Post award Peer Reviews. Post award Peer Reviews shall address the elements outlined below:

a. Post-Award Phase.

- (1) Government procedures/personnel monitor contract performance to ensure compliance with the terms and conditions of the contract.
- (2) Performance in terms of cost, schedule and requirements is consistent with terms and provisions of the contract.
- (3) Contracting mechanisms effectively incentivize contract performance.
- (4) For multiple award contracts, all contractors are provided fair opportunity or that actions with other than fair opportunity are documented and supported.
- (5) Task orders are properly negotiated and awarded.
- (6) Modifications to the contract are properly negotiated and awarded.
- (7) The contractor demonstrates effective use, management, and oversight of subcontractors.
- (8) The contract is adequately managed by the Contracting Officer's Representative (COR).
- (9) Staffing of contract management and oversight functions is addressed.
- (10) CPARS reviews are conducted appropriately and on schedule.
- (11) Pass through fees, if any, are reasonable and appropriate.
- (12) Any other issues/concerns of the Peer Review Team are addressed.

(13) For contracts where one contractor provides oversight of performance of another, also address the following:

- (a) Extent of the activity's reliance on the prime contractor to perform acquisition functions closely associated with inherently Governmental functions is well defined and documented.
- (b) There are appropriate safeguards ensuring that the financial interests of the prime contractor providing oversight do not conflict with the best interests of the Government.

2.0 Peer Review Discussion

a. If the Peer Review was a Pre-Solicitation Peer Review for a competitive acquisition, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) The process and the nature and intent of the requirement is clearly stated and understood by both Government and Industry.
- (2) The evaluation factors in the Source Selection Plan (SSP) are clearly defined and are included in the solicitation.
- (3) Contracting mechanisms to incentivize contract performance are appropriate.
- (4) If the acquisition is performance based, performance objectives, performance standards, and incentives are included and adequately addressed in the appropriate solicitation documents (i.e. Statement of Objectives (SOO)/Statement of Work (SOW)/Performance Work Statement (PWS), Performance Requirements Summary (PRS), and Quality Assurance and Surveillance Plan (QASP)).
- (5) If required, a QASP is included and adequate.
- (6) The proposed business arrangement, including contract type, is in the best interest of the Government.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

b. If the Peer Review was a Pre-Negotiation Peer Review for a competitive acquisition, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) Source Selection is carried out in accordance with the Source Selection Plan and the solicitation.
- (2) The Source Selection Evaluation Board (SSEB) recommendations are well documented and included in the Contract File, including the Technical Evaluation Board (TEB) report, price/cost evaluation board report, and evaluation documentation on past performance.
- (3) When an SSAC is established, its recommendations are clearly documented and included in the contract file.
- (4) The Source Selection Authority (SSA) decision is clearly derived from the conduct of the source selection process.
- (5) All source selection documentation is consistent with the Section M evaluation criteria.
- (6) The pre-negotiation business clearance memorandum (BCM) adequately establishes the competitive range and clearly defines the discussion areas to be addressed with each offeror within the competitive range. The BCM is appropriately approved prior to conducting discussions.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

c. If the Peer Review was a Pre-Award Peer Review for a competitive acquisition, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) Discussions with offerors are well documented.
- (2) The final evaluation findings of the SSEB, inclusive of the final TEB report, price/cost evaluation board report, and evaluation documentation on past performance, are well documented and reflect the conduct of the SSEB.
- (3) When an SSAC is established, the final recommendations are clearly documented and included in the contract file.
- (4) The final SSA determination is clearly derived from the conduct of the source selection process.

- (5) The award decision reflects the best interest of the Government and is consistent with the evaluation criteria established in the solicitation.
- (6) The post-negotiation BCM documents negotiation results, the basis for a negotiated fair and reasonable price, any differences between the pre-negotiation objectives and the final negotiated positions, and has the proper approvals.
- (7) Any other issues/concerns of the Peer Review Team are addressed.

d. If the Peer Review was a Pre-Negotiation Peer Review for a non-competitive acquisition, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) The process and the nature and intent of the requirement is clearly stated and understood by both Government and Industry.
- (2) Rationale documenting why full and open competition procedures will not apply, citing the appropriate statutory authority.
- (3) Contracting mechanisms to incentivize contract performance are appropriate.
- (4) If the acquisition is performance based, performance objectives, performance standards, and incentives are included and adequately addressed.
- (5) If required, a Quality Assurance and Surveillance Plan (QASP) is included and adequate.
- (6) The proposed business arrangement, including contract type, is in the best interest of the Government.
- (7) Discussions are well documented.
- (8) The pre-negotiation BCM establishes negotiation objectives, reflects quantitative discounts where applicable, and contains appropriate approval prior to opening negotiations;
- (9) Any other issues/concerns of the Peer Review Team are addressed.

e. If the Peer Review was a Pre-Award Peer Review for a non-competitive acquisition, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) Discussions with offerors are well documented.
- (2) The post-negotiation BCM documents negotiation results, the basis for a negotiated fair and reasonable price, any differences between the pre-negotiation objectives and the final negotiated positions, and has the proper approvals.
- (3) The award decision reflects the best interest of the Government.
- (4) Any other issues/concerns of the Peer Review Team are addressed.

f. If the Peer Review was a Post-Award Peer Review, address the elements outlined below. Otherwise, delete this section and address the Peer Review elements applicable to the acquisition phase.

- (1) Government procedures/personnel monitor contract performance to ensure compliance with the terms and conditions of the contract.
- (2) Performance in terms of cost, schedule and requirements is consistent with terms and provisions of the contract.
- (3) Contracting mechanisms effectively incentivize contract performance.
- (4) For multiple award contracts, all contractors are provided fair opportunity or that actions with other than fair opportunity are documented and supported.
- (5) Task orders are properly negotiated and awarded.
- (6) Modifications to the contract are properly negotiated and awarded.
- (7) The contractor demonstrates effective use, management, and oversight of subcontractors.
- (8) The contract is adequately managed by the Contracting Officer's Representative (COR).
- (9) Staffing of contract management and oversight functions is addressed.
- (10) CPARS reviews are conducted appropriately and on schedule.

- (11) Pass through fees, if any, are reasonable and appropriate.
- (12) Any other issues/concerns of the Peer Review Team are addressed.
- (13) For contracts where one contractor provides oversight of performance of another, also address the following:
 - (a) Extent of the activity's reliance on the prime contractor to perform acquisition functions closely associated with inherently Governmental functions is well defined and documented.
 - (b) There are appropriate safeguards ensuring that the financial interests of the prime contractor providing oversight do not conflict with the best interests of the Government.