

ARRA COMPLIANCE CHECKLIST - PRE-AWARD

Solicitation Number _____

Date _____

Tab #	Action	Research	Completed			
			Yes	No	N/A	Cmnts
1	<p>Acquisition Plan Considerations: In addition to the normal requirements provided by FAR Part 7 and Procurement Memorandum 2007-03, dated March 28, 2007, acquisition plans for acquisitions using Recovery Act funding must address:</p> <ul style="list-style-type: none"> - How Recovery Act funds will be tracked separately from other funds Recovery Act and non-Recovery Act funding cannot be co-mingled in a single contract action; 	<p>FAR 7 PM 2009-09 Amend. 1</p>				
	<ul style="list-style-type: none"> - Contract requirements and outcomes expressed in terms of Recovery Act goals 					
2	<p>Contract type selection ensured reasonable contractor risk, provided greatest incentive for efficient/economical contractor performance, and had meaningful/ measurable outcomes. To the maximum extent possible a fixed-price contract was used..</p>	<p>FAR 16.2</p>				
	<p>Special Note: A MAS contract for services awarded based on hourly rates may be considered a fixed-price contract unless a not-to-exceed ceiling was used</p>	<p>PM 2009-09 Amend. 1</p>				
	<p>Special Note: Purchase Card Transactions The GSA SmartPay® purchase card can be used for official purchases in support of the Recovery Act for transactions not to exceed \$3,000, regardless of cardholder warrant level. Cardholders shall not split requirements to circumvent the \$3,000 threshold. All purchases must comply with OMB Circular A-123, Appendix B, and Commerce Acquisition Manual (CAM) 1313.301.</p>	<p>OMB Circular A-123, Appendix B revised 1/15/09 CAM 1313.301</p>				
3	<p>To the maximum extent practicable, contracts using Recovery Act funds shall be awarded using competitive procedures.</p>	<p>Awarded Competitively PM 2009-09 Amend. 1</p>				
	<p>If competitive procedures were not used, the file thoroughly documented basis for other than full and open competition procedures IAW FAR 6.1, 6.2, 16.505(b)(1), 8.405-1 or 8.405-2.</p>	<p>FAR 6.1</p>				
		<p>FAR 6.2</p>				
		<p>FAR 16.505(b)(1) FAR 8.405-1 & 2</p>				
4	<p>Acquisition was structured to result in meaningful/ measurable outcomes; evaluation criteria for award, if used, included those that bear on measurement and likelihood of achieving these outcomes.</p>	<p>PM 2009-09 Amend. 1</p>				

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5	Acquisition flexibilities authorized by FAR Part 18 (Emergency Acquisitions) and specific statutory authorities were used for procurement. If so, file fully documented the statutory authorities that apply.	FAR 18				
6	Interagency agreements(IA) must spelled out the assignment of agency roles and responsibilities to fulfill the unique requirements of the Recovery Act. These include, but are not limited to, report development and submission, accurate and timely data reporting, and special posting requirements to agency web sites and Recovery.gov	PM 2009-09 Amend. 1				
7	A Milestone Plan in the required format was prepared and signed by the appropriate parties for all ARRA contracting actions over \$100,000. (See Milestone sample re: NOAA Acquisition Process Guide 1.4.2)	APG 1.4.2.				
8	Available small business programs, (FAR Subpart 19.5), were considered/afforded opportunity to compete and participate as prime and subcontractors.	FAR 19.5				
9	Applicable labor laws (e.g., Davis Bacon Act, Service Contract Act) were complied with and all required clauses, wage determinations, etc., were included in the solicitation.	PM 2009-09 Amend. 1				
10	Purchase was made under Javits-Wagner-O'Day Act - Ability One if required by Procurement List. (FAR Subpart 8.7)	FAR 8.7				
11	The requirements of FAR Part 23 related to Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace were considered and applicable clauses were included in solicitation if required.	FAR 23				
12	Appropriate contract deliverables were structured to promote the economic stimulus goals (including expenditure timeframes) of the Recovery Act; i.e., alternatives to contract financing were included in contract action, (CLINs structured to allow invoicing and progress payments based upon interim or partial deliverables, milestones, percent-of-completion. etc.).	PM 2009-09 Amend. 1				

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13	<p>Co-mingled funds (Recovery Act and non-Recovery Act on the same contract action) cannot be accurately reported.</p> <p>For obligations that are funded by both recovery and non-recovery funds, Contracting Officers shall award a separate contract action and report each in accordance with associated requirements.</p>	PM 2009-09 Amend. 1				
14	<p>Specific instruction for Recovery Act pre-solicitation and award notices are available at FPDS the "What's New" section under "American Recovery and Reinvestment Act" and at FBO under "Buyer FAQs".</p>					
14a	<p>A pre-solicitation notice was issued and posted on FedBizOps (FBO) for contract, contract modification/order modification or order under an existing task or delivery order contract, meeting FAR Part 5 dollar thresholds.</p> <p>NOTE: An FBO notice obligating funds provided under the Recovery Act is required for <u>every</u> ARRA contract action over the FAR Part 5 dollar threshold (normal notice) and all task/delivery orders to be issued; e.g. against GWACS, multi-agency contracts, GSA FSS contracts, and agency Indefinite-Delivery/Indefinite-Quantity (IDIQ) contracts. (FAR Subpart 5.7)</p>	PM 2009-09 Amend. 1 FBO FPDS FAR 5				
14b	<p>All pre-solicitation notices posted directly on FBO included the word RECOVERY as the first word in the "Title" field prior all other text of pre-solicitation notice.</p>	PM 2009-09 Amend. 1				
14c	<p>Pre-solicitation notice for modifications to or orders under a task or delivery order contract, included the following statement in the "Description" field in FBO preceding the actual description:</p> <p>RECOVERY PER FAR 5.7 THIS NOTICE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY; THEREFORE, FAR 5.203 DOES NOT APPLY. THIS OPPORTUNITY IS AVAILABLE ONLY TO CONTRACTORS UNDER THE CURRENT CONTRACT NUMBER AND/OR (Contracting Officer insert contractor name, associated contract number, program name or name of FSS, GWAC, multi-agency contract, or agency specific IDIQ contract).</p>	FBO FAR 5.7 FAR 5.203				
14d	<p>Pre-solicitation notices for modifications and orders were posted on FBO individually, (note: may not be posted under an umbrella notice for the base contract or ordering vehicle).</p>	FBO FAR 5.7 FAR 5.203				

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14e	The description of the supplies and services (including construction) in the FBO notice was clear, concise, and unambiguous to the general public; i.e., described what was being procured rather than what contract action was doing, and avoided use of acronyms.	FBO FAR 5.7 FAR 5.203				
14f	The American Recovery & Reinvestment Act Award Cover Page (developed by the NOAA AGO ARRA Program Office issued 8/4/10) was used for this award and/or modification to a Recovery Act funded contract.	Award Cover Page Template & Instructions				
15	When required, the solicitation/contract action included the following FAR clauses/provisions relating to special contract requirements of the Recovery Act--	PM 2009-09 Amend. 1				
15a	ARRA--WHISTLEBLOWER PROTECTIONS					
	52,203-15, Whistleblower Protections Under the ARRA of 2009 (MAR 2009)	FAR 52.203-15				
	52.212-4, Contract Terms and Conditions--Commercial Items (MAR 2009)	FAR 52.212-4				
	52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items (SEP 2009)	FAR 52.212-5				
	52.213-4, Terms and Conditions--Simplified Acquisitions (Other Than Commercial Items) (OCT 2009)	FAR 52.213-4				
	52.244-6, Subcontracts for Commercial Items (AUG 2009)	FAR 52.244-6				
15b	CONTRACTOR REPORTING REQUIREMENTS	PM 2009-09 Amend. 1				
	52.204-11, ARRA--Reporting Requirements (MAR 2009)	FAR 4.15 FAR 52.204.11				
15c	ARRA--BUY AMERICAN ACT REQUIREMENTS FOR CONSTRUCTION MATERIAL	PM 2009-09 Amend. 1				
	52.225-21, Required Use of American Iron, Steel, and Other Manufactured Goods--Buy American Act--Construction Materials (MAR 2009) (FULL TEXT REQ'D)	FAR 52.225.21				
	52.225-22, Notice of Required Use of American Iron, Steel, Manufactured Goods--Buy American Act--Construction Materials (MAR 2009) (FULL TEXT REQ'D)	FAR 52.225.22				
	52.225-23, Required Use of American Iron, Steel, and Other Manufactured Goods--Buy American Act--Construction Materials Under Trade Agreements (AUG 2009) (FULL TEXT REQ'D) NOTE:	FAR 52.225-23				

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	<i>SEE FAR 5.207(c)(13) re: notice in synopsis</i>					
	52.225-24, Notice of Required Use of American Iron, Steel, and Other Manufactured Goods--Buy American Act--Construction Materials Under Trade Agreements (MAR 2009) (FULL TEXT REQ'D)	FAR 52.225-24				
15d	ARRA EXPANDED GAO/OIG ACCESS TO CONTRACTOR RECORDS	PM 2009-09 Amend. 1				
	52.212-5, Alt II (MAY 2009)	FAR 52.212-5				
	52.214-26, Alt I (MAR 2009) Note: Applicable to Sealed Bidding	FAR 52.214-26				
	52.215-2, Alt I (MAR 2009) Note: Applicable to Negotiated Actions	FAR 52.215-2				
16	Contracting Officer complied with Exceptions to Buy American Act IAW FAR Part 25.6; i.e., listed excepted construction materials in the solicitation, published required notice in Federal Register, and evaluated offers of foreign construction materials by applying evaluation factors of 25% and 6% respectively.	FAR 25.6				
17	Prior to determining contractor responsibility, the Excluded Parties List System (EPLS) was reviewed, ensuring prospective contractor was eligible to receive award under applicable laws and regulations. (FAR Subpart 9.404)	FAR 9.404				
18	The Contracting Officer placed special emphasis on the Preaward Survey that was obtained if other available information was insufficient to make the responsibility determination. (Preaward Survey is not required if action is fixed-price at or below the simplified acquisition threshold or will involve the acquisition of commercial items unless circumstances justify its cost).	FAR 9.106-1				
19	The Contracting Officer placed special emphasis on responsibility determination of the prospective contractor and documented in the contract file IAW Far Part 9.	FAR 9				

5/10 updated 6/14/10 to specifically reinforce policy expressed in PM 2009-09 Amendment 1
Updated 8/4/10 to add ARRA Award Cover Page devd.by NOAA AGO ARRA Program Office received 8/4/10