Dryden Flight Research Center
Edwards, California 93523-0273

DOP-A-003
Revision: B

Dryden Organizational Procedure

CODE A

REVIEW AND EXECUTION OF PROCUREMENT DOCUMENTS

Electronically Approved by:
Chief, Acquisition Management Office

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DOCUMENT HISTORY PAGE

This page if for informational purposes and does not need to be retained with the document.

DATE APPROVED	ISSUE	PAGE	AMENDMENT DETAILS
11/2/98	Baseline		
2/17/99	Revision A		Added signature block to cover page. Change heading of #7 on page 5 to MANAGEMENT SYSTEM RECORDS and deleted bldg and room numbers in following sentence.
See IDMS Document Master List	Revision B	All	Updated Applicable Documents section. Subdivided Section 3 into two parts. Paragraph 3b is now Section 3.2. Added paragraph d to Section 3.1. Corrected numbering of Review & Approval section. Paragraphs e & f of old Section 3 were changed to paragraphs a & b of Section 4.1. Changed DFRC 25 form to Form A-7. Added paragraphs c, d & e to Section 4.1. Added Sections 4.2, 4.3 & 4.4. Deleted old Section 6.

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REVIEW AND EXECUTION OF PROCUREMENT DOCUMENTS

1. PURPOSE

This procedure provides the DFRC Acquisition Management Office (AMO) review structure, review cycle, and signature authority levels required for (i) contracts (as defined in FAR 2.101), (ii) grants, (iii) cooperative agreements, (iv) supplements or modifications to such documents, and (v) related documentation. This procedure does not apply to Other Transactions (e.g., joint sponsored research agreements).

2. APPLICABLE DOCUMENTS

CFR Title 48 Chapter I	*Federal Acquisition Regulation (FAR)*
NHB 5100.4B	*NASA Federal Acquisition Regulation Supplement (NFS)*
DCP-A-003	*Processing NASA Research Announcements (NRAs), Cooperative Agreement Notices (CANs), and Joint Sponsored Research Agreement (JSRAs)*
DCP-A-005	*Source Evaluation Board/Committee (SEB/SEC) Process*
DOP-A-004	*Socioeconomic Programs*
DOP-A-005	*Noncompetitive Procurement Documentation*
DOP-A-007	*Preparation of Solicitations and Contracts*
DOP-A-008	*Negotiated Procurement Documentation*
DPD 5000.1	*Delegations of Authority for Procurement Matters*
DPD 5101.1	*Legal Review of Acquisition Matters*

3. INSTRUCTIONS

3.1 General

a. All contracts, grants, cooperative agreements, contract modifications, and contract-related correspondence obligating or potentially obligating the Government must be executed by a Contracting Officer (CO) acting within the limits of his/her Contracting

Officer Certificate of Appointment. ("Contracting Officer" or "CO" is synonymous with "Grant Officer" in this procedure). CO appointments (commonly known as warrants) are set forth in writing and must be prominently displayed in the CO's work area.

b. In addition to processing contracts, contract modifications and contract-related correspondence, AMO personnel are periodically required to prepare and process a wide variety of documents supporting various procurement actions. Content requirements for preparation of these documents are set forth in the FAR/NFS.

(1) Documentation required to support noncompetitive procurements.

- Justification for Acceptance of Unsolicited Proposal (JAUP)
- Justification for Other than Full and Open competition (JOFOC)

See **DOP-A-005** for instructions.

(2) Solicitations

See **DOP-A-007** for instructions.

(3) Competitive Range Determinations/Source Selection Statements/Briefings

See **DCP-A-005** for instructions.

(4) Pre-negotiation Position Memorandum

See **DOP-A-008** for instructions.

(5) Price Negotiation Memorandum

See **DOP-A-008** for instructions.

c. In addition to the documents listed above, there are many other procurement documents, correspondence and potentially sensitive issues that require execution/issuance or other action by COs acting within their appointment limitations. Whenever a potentially critical or controversial procurement matter arises, the responsible contract specialist shall inform the Procurement Officer in a timely manner and prior to taking any official action regarding such matters.

(1) Mistakes in bid/Determinations
(2) Personal Service/Consulting Service contracts
(3) Contracts and Modifications not covered by FAR
(4) Requests for Indemnification
(5) Claims
(6) Protests and resultant CO Statements

(7) Cure Notices and Show Cause Letters or other correspondence with contractors that have legal implication
(8) Past Performance referrals which are negative on a contractor's performance
(9) Documentation pertaining to Contract Termination or potential Termination actions
(10) Actions involving Intellectual Property issues (i.e. patents, copyrights, trade secret agreements etc.)
(11) Notice of Costs Suspended or Disallowed
(12) Findings of Fact and Decision by the CO under the Disputes Clause
(13) Notices/Determinations regarding defective certified cost or pricing data
(14) Waiver of requirement for Cost or Pricing Data
(15) Debriefings of Contractors
(16) Request for Deviations from FAR and NFS
(17) Request for ratification

Any documentation pertaining to the above items must be coordinated with the DFRC Office of Chief Counsel, as deemed necessary by the AMO.

d. The CO is responsible for preparing the Individual Procurement Action Reports (NASA Form 507 series) for each procurement action above $25,000. The NF 507 forms are entered into the Acquisition Management System (AMS) in order to provide procurement records and statistics through a single uniform reporting program. This information is used by NASA to meet the requirements of FAR 4.601 (See also NFS 1804.601). The table below illustrates the applicable NF 507 required for the more common procurement actions (NF 1804.670). Detailed instructions for preparing the NF 507 series is found in Procurement Information Circular (PIC) 99-18 dated October 1, 1999.

Applicable Individual Procurement Action Report

Procurement Action	NF 507	NF 507A	NF 507B	NF 507G	NF 507M
Contract Awards	✓	✓	✓		
Purchase Orders over $25K	✓	✓	✓		
Grant Awards			✓	✓	
Cooperative Agreements			✓	✓	
Funded Space Act Agreements			✓	✓	
Intragovernmental agreements over $25K			✓	✓	
Orders against Federal Supply Schedules			✓	✓	
Modifications to a Procurement Action			✓		✓

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3.2 Procurement Officer Actions

The FAR/NFS established the Director of the respective Installation as the Approval authority for some of the procurement documentation; however, re-delegation authority is also granted. Accordingly, the Center Director has formally delegated approval authority to the Procurement Officer for the following actions required by the FAR:

a. 1.602-3(b)(2) and (3) – Ratify unauthorized commitments (See **DCP-A-008**).
b. 3.104-6(b) – Receive written notice of disqualification from further participation in a procurement when discussing possible non-Federal employment with a bidder or offeror in that procurement (3.104-4(c)(2)(ii)).
c. 3.104-6(c) – Authorize reinstatement of agency official to participation in the procurement (3.104-(c)(2)(ii)).
d. 3.104-10 – Make determinations or recommendations and authorize/implement specified actions concerning actual or possible Procurement Integrity Act violations.
e. 19.505(b) and (d) – Render written decisions and provide written justifications on SBA appeals of CO rejections of SBA set-aside recommendations.
f. 25.102(b)(2) – Make Buy American Act non-availability determinations which cannot be made by the CO.
g. 25.202(a)(2) – Make Buy American Act construction material non-availability determinations.
h. 36.213-2 – Waive pre-solicitation notices for construction requirements.
i. 36.609-1(c) - Provide written determinations on non-use of clause 52.236-22, Design Within funding Limitations, in fixed-price Architect-Engineer contracts.
j. 52.203-10 – Make determinations on Procurement Integrity Act violations for application of price or fee reductions.
k. 52.222-16 – Approve, for cost reimbursement construction contracts, straight time wage rates and overtime wage rates based thereon, for laborers and mechanics, if the straight time wages exceed the rates for corresponding classifications in the applicable Davis-Bacon Act minimum wage determination included in the contract.
l. 1849.101 – Serve as DFRC Terminating Contracting Officer with further authority to re-delegate in writing to designated DFRC COs on an Ad Hoc basis.

4. REVIEW AND APPROVAL

4.1 General

a. All files submitted for review action shall be accompanied with a Coordination/Approval Document (Form A-7). The Form A-7 shall be used as the official record of approval unless there is a designated format for the particular action. It is also to be used in conjunction with a designated format to show the complete review and approval process (e.g., JOFOCs). When using the A-7, pay

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careful attention to the form instructions in order to differentiate between obtaining concurrence or approval from coordinating offices.

b. Acquisition packages submitted for formal review shall contain all documentation necessary to support the action being taken. A copy of the basic contractual document and all prior modifications considered pertinent to the immediate action shall accompany contractual modifications. All files should be made available to the reviewer at any given time.

c. Contract Specialists shall return (i) all original review comments, (ii) responses to the review comments, and (iii) all original documents which were reviewed initially and changed in response to review comments made. This will facilitate quicker reviews on returned documents submitted for final approval.

d. Within the delegated authority provided to the Procurement Officer (See DPD 5000.1, *Delegations of Authority for Procurement Matters*), the following review/approval authority is delegated in accordance with the following:

(1) Actions below $500,000--Review and Approval delegated to the Contracting Officer.
(2) Actions above $500,000 up to $10,000,000--Review and Approval delegated to the Procurement Analyst.
(3) Actions over $10,000,000--Review and Approval retained by the Procurement Officer.
(4) Code A contract review/approval of Midrange and Commercial Item actions are delegated to the CO.
(5) Commercial items acquired using the procedures of FAR Part 12.603 must be reviewed at the appropriate level before the combined synopsis/solicitation is issued.

4.2 Pricing Reviews

The AMO Analysis Section will perform a price/cost analysis on acquisition actions above $500,000. Other actions requiring pricing support may also be reviewed regardless of the dollar value.

4.3 Legal Reviews

Legal reviews will be performed on all actions above $500,000. Determinations & Findings (D&Fs) shall be reviewed by counsel for form and legality before signature (See NFS 1801.770). Legal review and approval policy for acquisitions is in DPD 5101.1, *Legal Review of Acquisition Matters*.

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4.4 Small Business Specialist (SBS) Review

The SBS will have three (3) working days to concur with the decision of the Contract Specialist and sign the Form A-24, *Small Business Review Sheet* (See **DOP-A-004**). The Contract Specialist may proceed after three (3) days if the SBS has not returned the Form A-24. The following actions require SBS review:

a. All PRs over $100,000.
b. PRs under $100,000 if not set aside for small business.
c. All 8(a) solicitations, concurrent with solicitation release.
d. All solicitations over $500,000.
e. All set-aside determinations, subcontracting plan goals, and subcontracting plan waivers.

5. MANAGEMENT SYSTEM RECORDS

Management System Records are maintained in the Acquisition Management Office.

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