

2016 FT MCCOY
Acquisition Open House

**ADMINISTERING YOUR
FEDERAL CONTRACT**

April 05, 2016



**Providing expert technical
assistance to
FEDERAL, STATE and LOCAL
GOVERNMENT
Contractors
And Subcontractors**

**A Procurement Technical
Assistance Center (PTAC)
Serving the Wisconsin Business
Community**

WPI Offices located at:

Milwaukee County Research Park

10437 Innovation Drive, Suite 320

Milwaukee, WI 53226

414-270-3600 FAX: 414-270-3610

Juneau County Economic Development Corp.

122 Main St - Camp Douglas, WI 54618

608-427-2455 FAX: 608-427-2086

Western Dairyland EOC, Inc.

418 Wisconsin St. - Eau Claire WI 54703

608-427-2455 FAX: 608-427-2086

Fox Valley Technical College – DJ Bordini Center

5 Systems Drive – Appleton WI 54912

920-840-3771 FAX: 414-270-3610

Racine County Economic Development Corporation – Launch Box

141 Main Street, Suite 2, Racine, WI 53403

414-270-3600 FAX: 414-270-3610

Madison Enterprise Center

100 S. Baldwin St., Madison, WI 53703

608-444-0047 FAX: 414-270-3610

Food Enterprise & Economic Development (FEED)

1219 N. Sherman Ave., Madison, WI 53704

608-444-0047 FAX: 414-270-3610

Wausau Region Chamber of Commerce

200 Washington Street, Wausau, WI 54403

920-456-9990 FAX: 414-270-3610

www.wispro.org - info@wispro.org

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UPCOMING EVENTS

02/26/2015
FEDERAL PRIME CONTRACTOR GROUP MEETING
ST. FRANCIS (MILWAUKEE) »

03/03/2015
SMALL BUSINESS GOVERNMENT CONTRACTING
SERIES: SELLING TO THE DEPARTMENT OF VETERANS
AFFAIRS
WAUWATOSA »

03/04/2015
ACQUISITION HOUR: LEARNING ABOUT WAWF - IRAPT
WEBINAR »

03/09/2015
ENTERING THE GOVERNMENT MARKET - A PRIMER
RACINE »

03/11/2015
ACQUISITION HOUR: PREPARING FOR CSPR AUDIT
WEBINAR »

CURRENT OPPORTUNITIES (7)

GET STARTED WITH THE BASICS

Questions & answers on how to get started.

[GET STARTED](#)

SIGN-UP FOR OUR NEWSLETTER

Stay up-to-date with the latest WPI news.

[SIGN UP](#)

HAVE A QUESTION? WE'RE HERE TO HELP.

One of our staff of experts is available to answer your questions.

[GET HELP](#)

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SERVICES OFFERED BY WPI

- FREE Bid Matching Services
- Individual Counseling and Assistance
- Locating Local, State and Federal Opportunities
- Government Market Strategy Development
- Training in use of Government websites and tools
- Assistance with System for Award Management (SAM) Registration
- Assisting in Market Research Process
- Development of Market Profile
- Small Business Subcontracting Plans-Development, Outreach and Reporting
- Small Group Training
- Outreach and training with Local, State and Federal agencies
- Assist with Pre and Post Award Functions
- Assistance with Agency Specific Contracting Requirements
- Assistance with Contracting Regulations and Requirements, including FAR, DFAR, CFR
- Assistance with GSA Schedule Preparation and Administration
- Assistance with Local, State and Federal Certifications, including:
 - Service Disabled & Veteran Owned Small Business, HUBZone, Woman Owned Small Business, 8(a) Business Development Program
 - State
 - Local
 - DBE
- Bid Review and Submission Assistance
- Proposal and Assistance, Review and Submission Assistance
- Capabilities Statement and Related Government Marketing Material Development
- Assistance in Locating and Developing Teaming Partners and Subcontractors
- Updated Government Market Information

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Milwaukee, WI 53226
Telephone 414-270-3600
FAX 414-270-3610
www.wispro.org
Executive Director – Aina Vilumsons
info@wispro.org

What we will Cover Today

- Planning for a successful contract
- Subcontractors and suppliers
- Various contractual issues
- Contract closeout



Contract Administration Planning

- Attend Site Visits and Preproposal Conferences and ask questions (put in writing)
- Read the contract before signing and again before performing the work required. The entire document embodies the agreement of the parties.
- Understand the Definitions of Key Contract Terms and Clauses.
- Set up a Contract File, may need both paper and electronic.
- Return any additional required documents to the contracting officer. Keep copies in your file. Document what date documents were sent.
 - Insurance Certificates, Bonds
 - Contract Implementation Plan, Subcontracting Plan
- Set up customer account for that specific government agency office.
- If required, make sure accounting system satisfies FAR requirements.

Post Award Orientation

- Attend Post Award Orientation meeting. Noncomplex contracts may just receive a letter. For complex contracts, make arrangements for key personnel or subcontractors to also attend.
- Determine which government personnel has the contracting authority and who does not have contracting authority. The contracting officer or administrative contracting officer will have contracting authority. A program manager or Contracting Officer's Representative (COR) or Construction Inspector lacks contracting authority.
- Review any Delegation of Authority Memorandum provided (ACO appointment).

Post Award Orientation

- Identify all key government personnel and obtain contact information for them.
- Request clarification of any thing you are unsure of within the contract.
- Do not promise anything you are unable to do.
- Understand the level of contract surveillance by the government.
- Document your contract file.

Subcontracting

- Understand Privity of Contract
- Large business prepare a formal small business subcontracting plan, if required. Keep copy in your file. Document efforts in locating small business subs.
- Under small business set asides know the level of effort your small business needs to provide.
- Sign agreements with subcontractors and suppliers. Understand what contract terms and conditions flow down to subcontracts and suppliers. Set up necessary files.
- Monitor performance provided by subcontractors and suppliers.
- Understand Government's socioeconomic policies impact on subcontracts.

Contract Period

- Try to mitigate potential contract misinterpretations.
- For contradictions, conflicts or ambiguities apply the Order of Precedence Clause using first the schedule; representations and other instructions; contract clauses; other documents, exhibits, and attachments; and the specification. Contract may specify if drawings or specification takes precedence.
- Keep SAM registration current AND active.
- Maintain good lines of communication with the key government personnel. Advise contracting officer of problems and have potential solutions ready.

Order of Precedence (FAR 52.215-8)

- The Schedule (Excluding Specifications)
- Representations and Other Instructions
- Contract Clauses
- Other Documents, Exhibits, Attachments
- The Specifications

Order of Precedence (Construction)

- When something is in the specs but not the drawings; or vice versa, it is viewed as being in both.
- •When there is a difference between drawings and specs; the specifications shall govern.
- •A discrepancy in the figures, whether in the drawings or the specs, should be brought to the attention of the CO, who will clarify in writing.

Invoicing, Payments, and Financing

- Have appropriate financing available before contract award. SBA can assist with financing.
- Know when (how often) you can invoice and what is required on the invoice. Know where and how to file invoices. Make required changes on invoices if contract identification numbers change during the contract period.
- Understand when and how payment will be made.
- Make timely payments to subcontractors and suppliers.
- Document your file.

Reports

- Maintain an acceptable timekeeping system.
- Maintain an acceptable recordkeeping system.
- Generate reports as specified within the contract.
- Provide all reports on a timely basis.

Inspection and Acceptance

- Understand when the Government may inspect.
- Understand how acceptance will occur. Usually at the time of delivery, however, may take place before delivery or after delivery depending on the terms of the contract.(FOB Origin vs FOB Destination)
- Acceptance is the responsibility of the contracting officer which is generally delegated to someone else.
- Understand when the title of the supplies passes to the Government.

Changes and Modifications

- Contract modifications are either bilateral (supplemental agreement) or unilateral.
- Generally change orders require 2 documents, the change order and the supplemental agreement reflecting the resulting equitable adjustment.
- Do not provide additional work without a executed contract modification.
- Do take a verbal authorization in the case of an emergency.
- Modifications are completed with a Standard Form (SF) 30. Contracting Officer is responsible to obtain funding for the modification.

Equitable Adjustments, Claims and Disputes

- Government policy is to resolve all contractual issues in controversy by mutual agreement at the contracting officer's level. Reasonable efforts should be made to resolve controversies prior to the submission of a claim.
- Agencies are encouraged to use Alternative Dispute Resolution (ADR) procedures.
- All claims over \$100,000 must include the contractor certification.
- Contractor must continue contract performance.
- Contractor has 6 years after accrual of a claim to file a claim. There are stiff penalties for false claims.

Sale of Company & Name Change

- Notify the contracting officer in writing when you sell your business or change the name of your business.
- Contractor is responsible to provide an entire list of documents supporting the change and updating SAM.
- Contracting officer is responsible for processing the novation and change-of-name agreements (FAR 42.12).

Performance Delays

- Government may issue a Stop Work Order to suspend work.
- If the suspension is unreasonable, the contractor may submit a written claim for increases in the cost of performance, excluding profit.
- If a contractor needs to delay performance, immediately communicate with the contracting officer by phone and then follow up in writing.

Formal Government Remedies

- Liquidated Damages
- Warranties
- Cure or Show Cause Notices
- Nonconforming Supplies or Services

Lawyers

- Most contractual issues can be resolved without the use of lawyers, however, use one when the situation warrants.
- Agencies require legal review before a contracting officer can complete a number of contractual actions. This does not mean you need your lawyer to participate.
- If you bring your lawyer then the Government must bring their lawyer. Which may result in a delay, as their lawyer may not be available and the lawyer will also have to provide the contracting officer with a legal opinion.
- Lawyers add additional costs to the contract that may or may not be able to be recovered.

Monitoring Performance/Quality Assurance

Contractor responsible for

- Controlling the quality of supplies or services.
- Delivering only those supplies or services that conform to contract requirements
- Ensuring suppliers have an acceptable quality control system
- Providing evidence supplies or services conform to the government, when required by the contract.
- Performing all inspections and tests required by the contract.

Orders and Options

- Know who has the authority to place an order against the contract. Do not accept orders from government employees lacking the authority. Contracts usually have limits on the minimum and maximum amounts orders can include.
- Options are generally the unilateral right of the Government, unless they miss the timeframe to exercise the option, then it becomes bilateral.
- Know when you have to accept orders and options and when you have the right to refuse them.

Contract Close Out

- Return Government Issued Property as called for within the contract. Document return appropriately in your file.
- If possible, settle any remaining disputes and claims. Contractors have 6 years after date of final payment to file a claim.
- Review payments to determine all payments were received.
- Make final payments to all subcontractors and suppliers.
- Close out the file. Recommend retaining contract file for a minimum of 6 years. Keep longer if required by the contract.

PERFORMANCE REPORTS

- **Contractor Performance Evaluation**
- –For DoD: <https://www.cpars.csd.disa.mil>
- –Some other Federal Agencies are using this
- –Evaluation based on:
 - quality, •timely performance, •effectiveness of management •compliance with contract terms,
 - labor standards, • Management of subcontractors and safety
- –You have 30 days to review evaluation & comment

Final Words

Maintain a complete contract file by **documenting, documenting, and documenting.**

Resources:

- FAR: <http://farsite.hill.af.mil/>
- Federal Business Opportunities (FedBizOpps) website - <https://www.fbo.gov/>
- Wisconsin Procurement Institute
Phone: 414-270-3600 (Milwaukee Office)
608-338-8018 (Camp Douglas Office)
www.wispro.org



UPCOMING EVENTS

- April 12, 2016 – Acquisition Hour: Technology Funding for Small Business Webinar
- April 12, 2016 – Is Certification Right for You? Wauwatosa, WI
- April 13, 2016 – Acquisition Hour: Basics of Writing a Small Business Subcontracting Plan Webinar
- April 26, 2016 – Acquisition Hour – How to quickly analyze RFPs
- April 27 2016 – Acquisition Hour – Pieces of the Proposal Puzzle
- May 3, 2016 – InterSecWI 2016 Camp Douglas WI
- May 10 2016 – Acquisition Hour – The Growing Need for Federal Contractors to Improve Their Company's Overall Cyber-IQ.
- May 11 2016 – Implementing Small Business Subcontracting Plan at Your Company Webinar
- May 19, 2016 – Government Manufacturing Conference – Supporting The Federal Defense Supply Chain, Green Bay, WI**
- June 15-16, 2016 10th Annual Volk Field Small Business Conference**

For Assistance or Additional Information - Contact

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