

CHAPTER 11

COR/QAE FILES

Introduction

The purpose of this unit of instruction is to familiarize the student with the critical role of the COR/QAE's files in the event the Government finds itself in a dispute with the contractor whether.

When dealing with disputes the Government enters a legal environment whether a contractor appeals to a court in the judicial system or an administrative board. The legal environment deals mostly with facts in civil cases. Facts usually come from files. Consequently, the more accurate and complete the files that are maintained, the better the chance the Government will prevail in a dispute. There are cases where the board only reviews the files that are submitted and makes a decision based on what is in them. On the side of the Government, the file prepared for the court will probably rely heavily on input from the COR.

COR files are a part of the contract file and must be maintained IAW agency and Contracting Officer's instructions.

Contents of the file

The actual content will depend in part on the size, nature and complexity of the contractual requirement. Evaluations should address all significant areas of performance and highlight the strengths and weaknesses in the contractor's performance. Areas may include quality, timeliness, cost control, business relations with the COR and contracting team, customer satisfaction and key personnel.

- Records of inspections performed in accordance with the contract provisions for inspection describing how, when, and where the inspections were accomplished and the results of those inspections
- Samples, photographs, witness statements, and other factual data to support documentation
- Records of all weather conditions. (particularly important for construction contracts and any other contracts that call for performance out of doors where severe weather or bad weather conditions could delay performance or completion of the contract)
- Copies of progress schedules approved by the Contracting Officer
- Laboratory test reports (The technical specifications in some construction contracts require laboratory tests for some materials used in the performance of the contract. An example where laboratory tests could be required in a supply contract would be the acquisition of

culture medium for hospitals. An example for service contracts would be the testing of pest control poisons or perhaps fertilizer.)

- Copies of any approvals by the Contracting Officer IAW the Materials and Workmanship clause in construction contracts
- Copies of Notice of Award or Notice to Proceed
- Copies of any other data as may be required by the contract provisions
- Copies of any 5400 series documents; i.e. surveillance reports, evaluation worksheets, etc.

Documenting the files

Tips

Here are some tips to remember in maintaining your contract file:

- ◆ Include the contract number on each record and all correspondence relating to the contract
- ◆ Be sure that the Contracting Officer receives a copy of all correspondence
- ◆ The utmost care must be given to proprietary data, as well as classified and business-sensitive information
- ◆ Don't rely on your memory - document events on the day or next working day after they occur
- ◆ Document telephone conversations
- ◆ Be prepared to take notes on even informal meetings
- ◆ When keeping records on your computer create separate files for each contract and identify each for ready access when speed in gathering materials together is a factor.

Official Contractor Performance Evaluation Reports

All too often in the past, a Government official has known that a contractor performed a marginal or substandard job but never shared that information. Later the contractor was the low offeror on a similar contract and the official brought up the poor past performance. With no documentation to back up the allegation the Government found itself in the position of having to select a known but undocumented poor performer simply because it could not withstand a protest with insufficient support for a decision to reject the offer.

This policy may work to add an incentive to contractors to perform better in the knowledge that they are being documented and future contracts may depend on current performance.

What the COR/QAE may do upon contract closure

If directed by the Letter of Designation, the COR may do the following:

- Verify that the contractor has fulfilled the terms of the contract
- Initiate deobligation action, if appropriate; or secure additional funding

- Assist in property certification action
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Final pay

Final payment should not be made until the Government is satisfied that the contractor has:

- Fulfilled all the terms of the contract
- Resolved all issues concerning Government property
- Registered with the Government all inventions conceived under the contract
- Submitted all necessary reports to the Government (including those to the Office of Scientific and Technical Information for R&D)
- Received final technical acceptance (in construction contracts this may be satisfying the punch list)
- Submitted all necessary financial information

Additionally, sometimes it is the waiting on an audit report that holds up final payment.

File distribution

Upon completion of the contract to include final pay, the COR/QAE should return the COR/QAE files to the Contracting Officer to be retired with the official contract file and kept in record storage. Often failure to have the two files stored together has resulted in the Government's inability to deny a claim for lack of support evidence. This is particularly true as finance offices are merged in the downsizing and supporting records can not be accessed.

Financial closeout issues

The COR/QAE may be asked to identify the amount of funds remaining on the contract and whether there is potential for future use of the funds on that contract. If they can be de-obligated then the agency may be able to use the funds elsewhere rather than losing them through expiration. Only the Contracting Officer can issue the modification to de-obligate the excess funds.

Summary

It is extremely important for a COR/QAE to maintain accurate and complete files in accordance with agency/contracting office procedures. Many Contracting Officers periodically check these files. The list of items for a COR/QAE file included in this chapter is not all-inclusive and the COR/QAE will learn through experience what is and is not important to keep. Most prefer to err on the too much side.

It is critical that the COR/QAE know what will be expected to be reported

on the official contractor performance evaluation report in order to have the data at the end of the contract. While presently not required on all contracts the threshold will be lowered over time. This becomes a part of an official record of the contractor's past performance, which will be used for scoring purposes in future evaluations.

The COR/QAE may well be a part of the contract closure process but as a minimum is to forward the COR/QAE file to the Contracting Officer for incorporation into the official contract file for closeout.
