

**Contract and Order File Folders, Checklists, and Instructions**

**Purpose:** This document specifies the organizational schema and minimum content requirements for HHS contract and order (hereafter “contract”) files. The requirements apply to files for (a) negotiated, sealed-bid, and Architect-Engineer acquisitions; (b) orders awarded and BPAs established under GSA Federal Supply Schedule (FSS) contracts; (c) orders placed under all types of indefinite-delivery contracts, including task orders under Government-wide Acquisition Contracts (GWACs); and (d) modifications under the types of acquisitions specified in (a), (b), and (c). Simplified acquisitions, including those for commercial items, are exempt from these checklist requirements. However, HHS contracting activities must continue to adhere to the simplified acquisition file documentation and retention requirements of FAR 13.106-3(b). For commercial item acquisitions using the negotiated or sealed bid methods, HHS contracting activities shall use the applicable checklist.

**Requirements and Responsibilities:** Federal Acquisition Regulation (FAR) 4.802 specifies the requirements for establishing and maintaining contract files. FAR 4.803 provides examples of the documentation normally included in contract files, but does not prescribe any specific approach to organizing file contents. To ensure that file contents are arranged logically and consistently, and for ease in identifying and locating required documents, Health and Human Services Acquisition Regulation (HHSAR) 304.803-70 requires that OPDIVs employ a common approach to file organization and minimum content, including use of standard checklists.

**Instructions:** The requirements for labeling folders and organizing their contents, including the use of checklists and tab dividers, are as follows:

**1. Contract file folder labeling.**

As provided in HHSAR 304.803-70(a)(1), a complete contract file may consist of the following folders that are titled as indicated below for the specified acquisition methods:

Acquisition Method	Folder Title	Folder Title	Folder Title	Folder Title
Negotiated	Presolicitation to Award	Unsuccessful Proposals	Administration and Closeout	Reports and Deliverables
Sealed bid	Presolicitation to Award	Unsuccessful Bids	Administration and Closeout	N/A
A & E	Preannouncement to Award	Unsuccessful Qualifications Statements	Administration and Closeout	Reports and Deliverables
Task orders	Presolicitation to Award	Unsuccessful Proposals	Administration and Closeout	Reports and Deliverables
GSA FSS	Presolicitation to Award	Unsuccessful Quotations/Oral Presentations	Administration and Closeout	N/A

Each folder label must specify the contract number and the name of the contractor in addition to the title of the folder – e.g., Presolicitation to Award. Additional folders, if required, must be numbered on the label (e.g., folder 1 of 3, 2 of 3, etc.), when large amounts of materials must be filed. For some contracts, all four folders may not be necessary.

## 2. File checklists and tab dividers.

**a. Use and modification of checklists.** An accompanying checklist for each folder cited in paragraph 1. specifies the types of information and documents that, if applicable, must be included in that folder. The checklists, which are part of these instructions, are identified as follows:

- Negotiated Acquisition Checklist
- Architect-Engineer Acquisition Checklist
- Sealed Bid Acquisition Checklist
- Task Order Checklist
- GSA FSS Checklist

OPDIVs must use these checklists for establishing and maintaining contract files. The checklists include current generally applicable requirements for the acquisition methods cited. However, specific requirements may vary depending on what is being acquired – e.g., general supplies and services, construction, information technology (IT), and research and development (R & D).

OPDIV contracting offices may make the following changes to the checklists:

- Items that never apply may be “greyed-out” – e.g., if a contracting office is not responsible for construction contracting, references to “Preconstruction letter/conference (FAR 36.212)” may be “greyed-out.”
- Specific items may be added to the checklists under “other” for each tab, if needed, to document compliance with OPDIV-specific requirements; however, such requirements must be consistent with applicable acquisition statutes and regulations.
- The font size may be increased.

OPDIVs are encouraged to print checklists on heavier paper/cardboard stock to reduce damage to the checklists. Also, in order to keep the checklists as current and comprehensive as possible, OPDIVs should bring to ASAM/OAMP’s attention any omissions or suggestions for changes. ASAM/OAMP will evaluate

change requests and update the checklists, as necessary, for application to future acquisitions.<sup>1</sup>

**b. Filing order of tab dividers, checklists, and documents.** A checklist's tab dividers separate major sections of a folder and its contents and should be easily discernible. Regardless of the number of folders used, OPDIVs must populate all folders in a manner consistent with the approach cited below:

- Contracts and task orders may contain numerous modifications. Accordingly, to facilitate cross-referencing between a basic award and subsequent modifications, the Contract Specialist (CS) or Contracting Officer (CO) should file completed modifications (without the supporting file documentation) with the basic contract or order document.
- Under each tab, the CS/CO must file documents from bottom to top (reverse order) using the sequence for materials specified in a checklist – i.e., the last document specified under a checklist's tab must appear first under the tab.
- Under each sub-tab, the CS/CO must file items by subject and date – e.g., all FOIA requests should be filed under the same sub-tab by date with supporting documentation for each.
- In certain checklists – e.g., the “Presolicitation to Award” checklist, there are blanks adjacent to the items listed under the tabs. In those instances, the CS/CO must insert his/her initials in the blank provided when a required or applicable document has been completed/received and filed. The CS/CO should date each document filed. However, if the document being filed does not specify a date, the CS/CO must also indicate the filing date in the blank.
- The CS/CO should not include redundant documentation in different parts of a file. For example, if the need for a clearance is discussed in an AP, but the clearance has not been obtained, the *approved* clearance, when obtained, must be placed under the tab where clearances are specified. However, if an *approved* clearance is provided as part of an AP, the CS/CO should not also file a copy under the tab where clearances are specified. The same is true if an offeror's representations and certifications are included as part of its business proposal – there is no need to file them, or another copy of them, under the representations and certifications sub-tab – the CS/CO should only reference where they are located.

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<sup>1</sup> The citations in the checklists regarding “COTR certification” and “COTR designation memorandum” are consistent with applicable provisions in the proposed HHSAR re-issuance (scheduled for release in 2009).