



# Contract Review Board Guidelines

A Mandatory Reference for ADS Chapter 302

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The purpose of this mandatory reference is to supplement the policy in [ADS 302.3.4.4](#) by specifying the procedures and parameters for the Contract Review Board (CRB).

## **A. CRB Mission Statement and Objectives**

The basic mission of the CRB is to provide technical assistance and mentorship as well as distribute and share best practices to Agency procurement officials for major Agency acquisitions. Occasionally, the CRB also works with the Office of the General Counsel (GC) to assist with recommended corrective actions.

The main objectives of the CRB are to:

- Improve the quality of the Agency's development work by providing procurement-related technical assistance;
- Strengthen the performance and understanding of the Agency's technical and procurement staff;
- Identify and address procurement actions/arrangements/processes, which may increase the likelihood of unsuccessful contract performance;
- Reduce the risk of entering into contract arrangements, which may result in unnecessary cost risks to the Agency in the form of protests, claims or disputes, and to strengthen the Agency's position whenever one of these actions occur; and
- Track CRB results and communicate lessons learned to the Agency's procurement professionals.

CRB reviews are conducted using applicable rules from the Federal Acquisition Regulation (FAR), the USAID Acquisition Regulation (AIDAR), the Automated Directives System (ADS), Acquisition & Assistance Policy Directives (AAPDs), and Request for Proposal (RFP) requirements as specified in a particular procurement. The CRB assesses submissions using these minimum standards, while also keeping best practices and procurement protest risk in mind.

## **B. Required Reviews and Additional Assistance**

Contracting Officers (COs) must submit the contract actions described in [ADS 302.3.4.4](#) for CRB review.

Any CO may request an ad-hoc desk review by the CRB for any complex acquisition action of any dollar amount. COs and Technical Teams planning high dollar value awards or technically challenging activities are also encouraged to contact the CRB for additional guidance and assistance in streamlining the CRB review. Division Heads,

Bureau Chiefs, COs, or GC may request additional assistance from the CRB for Task and Delivery Orders.

### **C. Composition of the CRB**

1. The CRB Division consists of three full-time staff members: two Senior Procurement Analysts who serve as Co-Chairs for the reviews and one Specialist who handles administrative tasks.
2. For the Pre-Solicitation package, the assigned Co-Chair is the primary reviewer of the package, and the Co-Chair does not establish a full board for this stage.
3. For the Competitive Range or Pre-Award package review, the Co-Chair establishes a full board. CRB board members can include any sub-set of the list below:
  - a. A permanent CRB Co-Chair, who reports to the Bureau for Management, Office of Acquisition and Assistance (M/OAA) Deputy Director for Accountability, Compliance, and Transparency (ACTS).
  - b. An Attorney Advisor assigned by GC.
  - c. A GS-14/FS-02 CO or above, from all operations teams in USAID/W M/OAA. This member is assigned by either the Deputy Director for Washington Operations or the Deputy Director for Foreign Operations, Office of Acquisition and Assistance. The Deputies make these assignments on a rotating basis in coordination with the CRB Co-Chair.
  - d. A senior Procurement Analyst from either the Evaluation Division (M/OAA/E) or the Policy Division (M/OAA/P), on an alternating basis and as assigned by the Chiefs of these divisions.
  - e. An engineer will be assigned as a board member if the award is expected to contain engineering or construction.

When coordinated with the CRB Co-Chair, Acquisition and Assistance (A&A) professionals in Washington and in Missions are encouraged to participate as observers.

### **D. Roles of Contract Review Board Members**

1. The CRB Co-Chair's functions include:
  - a. Issuing annual reports to the A&A community on issues, trends, and best practices based on the results of CRB reviews (see Section H).

- b. Maintaining a record of the results, issues, and processing times associated with CRB reviews by Bureau/Independent Office (B/IO), Mission, and CO (see Section H) (copy to M/OAA/E for tracking of CO performance related to their delegation of authority)
    - c. Coordinating with M/OAA/E and M/OAA Professional Development and Training (M/OAA/PDT) Divisions to ensure that the annual reports and record of results are available to help determine general and specific training needs and for assessment of warrant levels and performance evaluations.
    - d. Oversee the development of a CRB Website on the M/OAA intranet that will include the annual reports on issues and trends.
    - e. Maintain a record of the results, issues, and processing times, at all stages, associated with CRB reviews by B/IO, Mission, and CO.
2. The duties of the remaining members of the CRB include:
  - a. Reading the documentation submitted to the CRB,
  - b. Noting procedural errors, mathematical errors, and business decisions, which could result in protests or disputes, and
  - c. Fully participating at scheduled CRB meetings or providing written comments to the assigned Co-Chair when in-person or virtual participation is not possible. Any member unable to participate in person or virtually must notify the assigned Co-Chair and their supervisor as soon as possible, preferably within one business day of assignment. The member must provide written comments before the scheduled start of the Board meeting unless the Co-Chair and the member's supervisor agree to an extension.

## **E. Review Process, Documentation Requirements, and Timelines**

The CRB conducts the following two separate reviews for each award package that falls under its purview, as stated in [ADS 302.3.4.4](#):

- Pre-solicitation, and
- Either at the competitive range determination or pre-award stage – whichever comes first.

If the CO establishes a competitive range, the CO must submit a competitive range package to the CRB for review. If a review is held at this stage, there will be no review at the pre-award stage. Unless special circumstances arise, the competitive range

review will be the second and final CRB review. If the CO plans to award without discussions, the CO must submit a pre-award package.

Timelines: The CRB prioritizes reviews above any other work. There are two CRB chairpersons ("Co-Chairs") and the CRB operates on a first come, first served basis. The timelines noted below for each stage are predicated on the number of packages ahead of a new submission.

## 1. Pre-Solicitation

### a. Documents for Submission and Review:

- 1) The Planner's selection of instrument recommendation memorandum justifying the choice of the assistance or acquisition instrument, as accepted by the CO per [ADS 304, Selecting the Appropriate Acquisition and Assistance Instrument](#);
- 2) The Solicitation; and
- 3) The Source Selection Plan.

All documents listed above must be submitted in Microsoft Word, unless the document is only available in Portable Document Format (PDF).

### b. Review Process:

- 1) At the pre-solicitation stage, the CRB Specialist will review the submitted documents to ensure that the package is complete.
- 2) The CRB Specialist will contact the CO if documents are missing.
- 3) Once the Specialist receives a complete package, a CRB Co-Chair will be assigned to the review.
- 4) The assigned Co-Chair independently conducts a desk audit/review as the standard practice.
- 5) The Co-Chair may seek consultation and guidance from GC, senior management, engineering, and others, as needed.
- 6) The Co-Chair will distribute written comments back to the CO. (As the standard practice, all comments and notes will be provided in written form.)

- 7) The CO may request an in-person or virtual meeting after receipt of the written comments, and the Co-Chair will schedule a meeting if scheduling is possible at the requested time.

**c. Timeline:**

After receiving a complete pre-solicitation package, the CRB's goal is to provide written comments to the CO within three business days after the assigned CRB desk audit/review.

**2. Competitive Range Review (required if the CO establishes a competitive range)**

**a. Documents for Submission and Review:**

- 1) A copy of CRB comments from the Pre-Solicitation stage along with a summary of the corrective actions the CO took to address the CRB mandatory comments. The summary should include the page numbers identifying where changes were made. The CO should respond to the prior CRB comments by providing a response below each comment using the CRB written comments document;
- 2) A copy of the solicitation and all amendments;
- 3) The detailed Technical Evaluation Memorandum;
- 4) A detailed Cost/Price Analysis and Cost Realism Analysis (if applicable); and
- 5) A copy of the Competitive Range Determination memorandum.

**b. Review Process:**

- 1) At the Competitive Range stage, the CRB Specialist will review the submitted documents to ensure that the package is complete.
- 2) The CRB Specialist will contact the CO if documents are missing.
- 3) Once the Specialist receives a complete package, a CRB Co-Chair will be assigned to the review.
- 4) The Specialist will organize a Review Board.
- 5) The CRB Co-Chair will compile and determine final comments and distribute the Board's comments to the CO. (As the standard practice, all comments and notes will be provided in written form.)

- 6) The CO may request an in-person or virtual meeting after receipt of the written comments for the review, and the Co-Chair will schedule a meeting if scheduling is possible at the requested time.

**c. Timeline for Competitive Range Review:**

The CRB's goal is to provide written comments to the CO within two weeks of receipt of a complete Competitive Range package. If the CRB holds a meeting, the CRB's goal is to provide final comments to the CO within three business days after the meeting.

**3. Pre-Award Review (required if the award will be made without discussions)**

**a. Documents for Submission and Review:**

- 1) A copy of CRB comments from the Pre-Solicitation stage along with a summary of the corrective actions the CO took to address the CRB mandatory comments. The summary should include the page numbers identifying where changes were made. The CO should respond to the prior CRB comments by providing a response below each comment using the CRB written comments document;
- 2) A copy of the solicitation and all amendments;
- 3) The Technical Evaluation Committee (TEC) memorandum from the review of the Proposal;
- 4) The Cost/Price Analysis and Cost Realism Analysis(s) from the review of the Proposal; and
- 5) The Source Selection Decision Document (SSDD) showing how the SSA/CO made the best value decision on the selected awardee(s) (if not incorporated into the Memorandum of Negotiation).

**b. Review Process:**

- 1) At the Pre-Award stage, the CRB Specialist will review the submitted documents to ensure that the package is complete.
- 2) The CRB Specialist will contact the CO if documents are missing.
- 3) Once the Specialist receives a complete package, a CRB Co-Chair will be assigned to the review.
- 4) The Specialist will organize a Review Board and schedule the review.



- 5) The CRB Co-Chair will compile and determine final comments and distribute the Board's comments to the CO. (As the standard practice, all comments and notes will be provided in written form.)
- 6) The CO may request an in-person or virtual meeting after receipt of the written comments for the review, and the Co-Chair will schedule a meeting if scheduling is possible at the requested time.

**c. Timeline:**

The CRB's goal is to provide written comments to the CO within two weeks of receipt of a complete pre-award package. If the CRB holds a meeting, the CRB's goal is to provide final comments to the CO within three business days after the meeting.

**F. Comments from the CRB**

Comments from the CRB fall into two categories: "Mandatory" and "Advisory." "Mandatory" comments address issues in a CRB submission, which the CO must correct. "Advisory" comments include recommended changes to the document, which provide corrections, and reminders, or which improve clarity, but may also identify concerns, which do not pose a significant risk to the Agency. Mandatory comments are distinguished from advisory comments in that mandatory comments identify significant issues/problems with an aspect of a document, which could expose the agency to a potential risk of a protest and/or legal action. Issues in the CRB submission may result in either a mandatory or advisory comment corrective action, depending on the quantity or severity of the identified flaws.

**G. Failure to Follow Mandatory CRB Comments**

1. The CRB will not require a CO to resubmit documents after review of the package at any of the two CRB stages. However, the COs must adhere to mandatory comments issued by a CRB, or the CO may be subject to disciplinary action in accordance with [ADS Chapter 485, Disciplinary Action - Foreign Service](#), or [ADS Chapter 487, Disciplinary and Adverse Actions Based Upon Misconduct - Civil Service](#), as appropriate. M/OAA/E will coordinate with the Chief Acquisition Officer (CAO) and the Office of Human Capital and Talent Management (HCTM) on disciplinary actions processed under the above ADS chapters, as necessary.
2. Should a CRB Co-Chair note evidence of CO non-compliance with mandatory comments, the Co-Chair will notify M/OAA/E.
3. M/OAA/E will evaluate the CRB Co-Chair's notice of non-compliance as follows:

- a. M/OAA/E will contact the CO and the CO's Supervisor to discuss the noncompliance.
  - b. M/OAA/E will send an information memo to the CAO documenting the CO's non-compliance and M/OAA/E's discussion with the CO and the CO's Supervisor. M/OAA/E will provide a copy of the memo to the CO and the CO's Supervisor.
  - c. Based on the M/OAA/E and CAO assessment of non-compliance the CO may be subject to disciplinary action.
  - d. M/OAA/E will document the CO's warrant file with M/OAA/E's information memo and the CAO decision.
4. The CAO has the authority to select and appoint a CO, and terminate the appointment of a CO, consistent with the requirements in the FAR, AIDAR and an assessment of the individual's experience, training, education, business acumen, judgment, character, and reputation. Following the M/OAA/E and CAO assessment of the CO's noncompliance with the CRB mandatory comments, the CAO may exercise such authority and discretion to limit or terminate the CO's warrant authority.

#### **H. CRB Annual Report**

The CRB Co-Chairs will issue an Annual Report that presents guidance on best practices based on the results of CRB reviews. The CRB will request protest information from the Office of the General Counsel, Assistant General Counsel for Litigation and Enforcement (GC/LE) and include GC/LE takeaways in the annual report.

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