

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2019-G505,
Contract File Requirements

1. **Purpose.** This order transmits a revision to the General Services Administration Acquisition Manual (GSAM).
2. **Background.** GSAM subpart 504.8, Government Contract Files, prescribes a contract file format standard. One of the problems with the current standard is it doesn't provide the flexibility GSA needs as it moves towards agency-wide use of electronic filing¹. Additionally, several recent internal audits have identified contract file issues (e.g., missing documents, lack of consistent organization, and difficulty with locating documents) that are best addressed within the GSAM. As a result, this order amends the GSAM to ensure consistent management of contract files, enable GSA to better realize the benefits of the use of electronic files, and provide greater file standardization by including leasing transactions and procurements down to the micro-purchase threshold².

This amendment does not loosen the requirements concerning contract files. Specifically, the Federal Acquisition Regulation (FAR) requires documentation in files to be sufficient to constitute a complete history of the acquisition. The purpose being to provide a complete background as a basis for informed decisions at each step in the acquisition process, support actions taken, provide information for reviews and investigations, and furnish essential facts in the event of litigation or congressional inquiries.

3. **Effective date.** April 16, 2019.
4. **Applicability.** This amendment to the GSAM applies as follows:
 - a. **New contracts.** The requirements in section 5 of this Order apply to all new contracts that exceed the micro-purchase threshold. The requirements in section 5 may be applied to new purchases at or below the micro-purchase threshold.
 - b. **Existing contracts.** The requirements in section 5 of this Order should be incorporated into existing contract files as workload permits. At a minimum, the requirements must be incorporated before exercising an option.

¹Some of the benefits of using electronic files are improved workflow, increased quality, increased customer satisfaction, and the ability to transfer workloads electronically to optimize resources.

²Prior to the issuance of this amendment, the standard applied only to contracts that exceeded the simplified acquisition threshold, except leases of real property. Additionally, the standard could be applied to purchases using simplified acquisition procedures.

5. Explanation of changes.

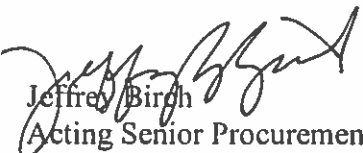
This amendment includes non-regulatory changes. For full text changes of the amendment see GSAM 2019-G505 - Tab A - GSAM Text, Line-In/Line-Out.

This amendment revises the language of GSAM subpart 504.8, as summarized below:

- Contracting Officers shall—
 - Maintain contract files electronically;
 - Ensure the contract file contains all required documentation;
 - Identify in a clear and logical manner, within the electronic contract file, any documentation that is maintained in another location.
 - Comply with the filing and document naming convention/nomenclature.
- Head of contracting activities consistent with their delegated authorities are responsible for—
 - Developing policies and procedures that support FAR and GSAM requirements with regard to the contents of contract files and the official system of record for contract files; and
 - Designating a point of contact within their organization for purposes of supporting file audits and reviews by internal and external organizations. Support may include, but not be limited to providing copies of contracting activity policies and procedures and assisting in resolving issues (e.g., location of a contract file), addressing questions, providing access.

This amendment also makes minor revisions to the language of GSAM parts 553 and 570 to support the revisions being made in GSAM subpart 504.8.

6. Cancellations and Rescissions: Not Applicable.


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TAB A - GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 97 effective 4/4/2019

- Additions to baseline are indicated by **[bold text in brackets]**
- Deletions to baseline are indicated by ~~strikethroughs~~
- Five asterisks (*****) indicate that there are no revisions between the preceding and following sections
- Three asterisks (***) indicate that there are no revisions between the material shown within a subsection

Subpart 504.8—Government Contract Files

504.800 Scope of subpart.

[(a)] This subpart prescribes a ~~standard~~ contract file format **[standard]** for all contracts that exceed the ~~simplified acquisition~~ **[micro-purchase]** threshold, ~~except leases of real property.~~ This subpart may be applied to purchases **[at or below the]** ~~using simplified acquisition~~ **[micro-purchase threshold]** procedures.

[(b)] **The purpose of this standard is to ensure that the documentation in the file complies with FAR 4.801(b)(1) and FAR 4.802(c) requirements.]**

504.802 Contract files.

[(a)] **Contract files shall be maintained electronically, unless otherwise determined, in writing, by the HCA to be prohibitively burdensome.]**

[(b)] **The contracting officer must place all information and documentation required by FAR 4.802 and 4.803 in the contract file and organize the file in the format as set out in each individual contracting activity's contract file standard.]**

~~(b) Responsibility for files.~~

~~(1) The contracting officer is responsible for the official file. Individuals creating documents relating to the contract must forward those documents to the contracting officer for inclusion in the file.~~

~~(2) The contracting officer is responsible for transferring official contract files to the National Archives and Records Administration and for maintaining appropriate records that will facilitate file retrieval.~~

~~(c) Transfer of responsibility for contract files. (1) When responsibility for a contract transfers from one contracting officer to another contracting officer, e.g., transfer of assignments or redelegation of contract administration authority (intraoffice or interoffice), the original contracting officer must prepare a detailed listing by file number and name to identify the file(s) being transferred.~~

~~(2) Retain a copy of the listing and send a copy to the successor contracting officer as advance notice of the files being transferred.~~

~~(3) Retain duplicates of the files transferred until the successor contracting officer acknowledges receipt of the files.~~

~~(4) Send the files being transferred to the successor contracting officer by certified mail, return receipt requested, or by another method requiring the successor contracting officer's signature to acknowledge receipt. Send two copies of the listing with the transferred files.~~

~~(5) The successor contracting officer must sign one copy of the listing, certifying receipt of the files listed, and return the signed copy to the originating contracting officer.~~
[(c) Contracting officer responsibilities.

(1) The contracting officer is responsible for the official contract file. Individuals creating documents relating to the contract must provide those documents to the contracting officer for inclusion in the file. Other members of the acquisition team may be responsible for the maintenance and archival of any delegated responsibilities (e.g., contract administration and delegated contract administration function) according to prescribed contracting activity policies and procedures.

(2) The contracting officer shall—

(i) Place all information and documentation required by the FAR (see FAR subpart 4.8), the GSAM, and any other policy and procedure in the contract file.

(ii) Include an index or checklist identifying the location of any documentation contained in the contract file when such identification is not already prescribed by policy. The index or checklist can be electronic.

(iii) Identify in a clear and logical manner, within the contract file, any documentation maintained in another location.

(iv) Comply with applicable file and document naming convention/nomenclature requirements.

(3) When responsibility for a contract transfer from one contracting officer to another contracting officer (e.g., employee departure, transfer of assignments, or redelegation of contract administration authority (intraoffice or interoffice))—

(i) The successor contracting officer shall review the files being transferred. The purpose of the review is to identify any issues with the contract file (e.g., missing or incomplete documentation or information).

(ii) The successor contracting officer shall attempt to resolve any issues identified during their review of the transferred files. The successor contracting officer should write a memo-to-file that documents any issues with the contract file that were not able to be resolved as part of the transfer.

(d) *Head of contracting activity responsibilities.* Head of contracting activities consistent with their delegated authorities are responsible for—

(1) Developing policies and procedures that discuss, at a minimum, the following:

(i) The different types of files identified in FAR 4.801(c) along with any other files that are to be established (e.g., unsolicited proposals);

(ii) The location where file documentation is to be stored (e.g., an electronic contract filing system, another official system of record, or some type of combination thereof). If file documentation must be stored in different locations, the policy and procedure shall discuss the rationale for the need (e.g., separation of classified and unclassified documentation) and medium (e.g., paper) to be used;

(iii) The approach used to identify the documents to be retained within a contract file (see FAR 4.803) and any other files established per paragraph (d)(1)(ii) of this section (e.g., use of a checklist or index that includes the citation of the authority for retaining a document);

(iv) The organization(s) or individual(s) responsible for maintaining file documentation when such responsibility does not reside with the contracting officer (see 504.802(b));

(v) The filing and document convention/nomenclature to be used;

(vi) The content, access, and other applicable requirements for contracting officer representative (COR) contract files (see FAR 1.604) and any other files (see paragraph (a) of this section); and

(vii) The internal controls (e.g. quarterly review by the contracting activity) to be used for ensuring compliance with FAR, GSAM, and other requirements.

(2) Designating a point of contact within its organization for purposes of supporting file audits and reviews by internal and external organizations (e.g., the Procurement Management Review (PMR) office). Support may include, but not be limited to:

(i) Providing copies of applicable policies and procedures;

(ii) Assisting in resolving issues (e.g., locating a contract file) and questions;

(iii) Providing access to files and systems; and

(iv) Notifying the contracting officer of the status of the review or audit.]

504.803 Contents of contract files.

[In addition to the examples of contract file documents described in FAR 4.802 and listed in FAR 4.803, the contract file shall include, if applicable, the following:

(a) GSA Form 2689 (see 519.502-70 for applicability), and

(b) Checklist documenting review of the small business subcontracting plan (see 519.705-4 for applicability).

(c) Documents required by individual contracting activity in accordance with such activity's internal policies and procedures.]

~~(ory Guide (CTAG) and/or contract file checklists) Arrangement.~~

~~(1) Tab the contract file.~~

~~(2) File items in reverse order starting with item (1) on the bottom of the file and item (27) on the top.~~

~~(3) File documents within a tab chronologically with the most recent document on top.~~

~~(4) Place documents too voluminous for an individual tab in a separate file.~~

~~Annotate the tab with the location of the separate file.~~

~~(5) Omit any tab not required for the contract.~~

~~(b) Tab contents. The following instructions apply to contract actions up to award. Contracting activities may develop further guidance on tabbing postaward actions tailored to their requirements. Tab the contract file as specified below:~~

~~(1) Requisition or request for contractual action. Include the certification of the accuracy and completeness of data supporting a recommendation by technical or requirements personnel to use other than full and open competition. (See FAR 6.303-1(b).)~~

~~(2) Specifications, drawings, and other technical documents.~~

~~(3) Acquisition plan including, if applicable, the determination required by OMB~~

Circular A-76 and concurrence of the cognizant competition advocate.

(4) Determination and findings required by FAR 1.7 and 501.7, or justification required by FAR 6.303, including the certification of accuracy and completeness of the justification.

(5) Department of Labor Wage Determination.

(6) Small business determinations.

(7) Source list.

(8) Statement as to synopsis of proposed procurement under FAR 5.2 or other required advertisements under 505.2.

(9) Presolicitation notice.

(10) IFB/RFP and amendments.

(11) Abstract of bids or proposals including identification of the low bidder or offeror, discounted price, etc.

(12) Cost or pricing data and information other than cost or pricing data. Include the waiver and documentation supporting the waiver if the requirement for submission of cost or pricing data is waived, as provided in FAR 15.403-1(b)(4).

(13) Field pricing report (see FAR 15.404-2).

(14) Price or cost analysis report prepared under FAR 15.404, including:

(i) Supporting technical analyses, other than those supporting an audit report.

(ii) Profit or fee analysis required by FAR 15.404-4 and 515.404-4.

(iii) An independent Government estimate, if required.

(15) Documentation required by FAR 15.406, written to permit reconstruction of the acquisition's major events.

(16) Certificate of current cost or pricing data, if applicable.

(17) Pre-award survey.

(18) EEO compliance review.

(19) "No bid" or "no proposal" correspondence.

(20) Unsuccessful bids or proposals. Include a copy of each rejected bid and unacceptable proposal.

(21) Mistakes in bids and protests. Include all correspondence and determinations relating to mistakes in bids disclosed before award or protests.

(22) Actions taken on late bids or proposals.

(23) Contract action. Include:

(i) Successful bid or proposal and all pertinent correspondence applicable to the contract action, including evidence of submission of contract award data to paying office (see 504.201).

(ii) Subcontracting plans incorporated in and made a material part of a contract, as required by FAR 19.705-5(a)(5)

(iii) Commercial supplier agreements including referenced terms incorporated in and made a material part of a contract.

(24) Evidence of legal review, if required.

(25) Approvals. Include, as applicable:

(i) GSA Form 1535, Recommendation for Award.

(ii) Documentation of approval of subcontracting plan.

(iii) Record of individuals authorized access to contractor bid or proposal information or source selection information (see 503.104-4(a)(4)).

(26) Notices of award.

(27) FPDS Contract Action Report, or other system-generated equivalent.

(c) Index.

(1) Place an index of the file tabs in the file, or simulate electronically an index of the tabs and include in the front of the electronic version of the contract file. Identify items that do not apply. If necessary, briefly explain why. The contracting officer may use the GSA Form 3420, Contract/Modification File Checklist File Format (Award), for the index, or an electronically created index inclusive of the items detailed under GSAR 504.803(b).

(2) Include subheadings under a tab if required by the contracting officer's office.

Subpart 553.3—Illustrations of Forms

| Form No. | Title | Reference | On-line Location |
|---------------|--|------------|---|
| *** | | | |
| GSA Form 3420 | Contract/Modification File Checklist File Format (Award) | 504.803(b) | https://gsa.gov/portal/forms/download/114874 |

Part 570—Acquiring Leasehold Interests in Real Property

Subpart 570.1—General

570.101 Applicability.

(c) The following GSAM provisions apply to acquisitions of leasehold interests in real property. These are in addition to the GSAR requirements identified in 570.101(b).

| GSAM Applicable to Acquisitions of Leasehold Interests in Real Property | | | |
|---|--------------|---------------|---------------|
| <u>501</u> | <u>507</u> | <u>522.14</u> | <u>532.8</u> |
| <u>503</u> | <u>519.3</u> | <u>523.4</u> | <u>532.9</u> |
| <u>504.2</u> | <u>519.6</u> | <u>530</u> | <u>532.11</u> |
| <u>[504.8]</u> | <u>519.7</u> | <u>532.1</u> | <u>533</u> |

| | | | |
|--------------|---------------|--------------|--------------|
| <u>504.9</u> | <u>519.12</u> | <u>532.4</u> | <u>537.2</u> |
| 505 | <u>522.13</u> | <u>532.6</u> | |
| <u>506</u> | | | |
