

## Government Contract Compliance Checklist

This Government Contract Compliance Checklist is intended for informational purposes only and does not constitute legal, accounting, or other professional advice. It is designed to provide a high-level overview of common compliance areas related to federal government contracting and should not be relied upon as a definitive guide. This checklist does not address all applicable laws, regulations, agency-specific requirements, or contractual obligations. Laws and regulations governing government contracting are complex and subject to frequent change.

This checklist is not a substitute for consulting with qualified professionals, including attorneys specializing in government contracting, certified public accountants, and other relevant experts. You should independently verify all information and seek professional counsel to ensure compliance with all applicable requirements for your specific contracts and circumstances.

### I. Pre-Award Phase:

- **Review of Solicitation (FAR Parts 14, 15, & 9):**
  - Understand all requirements, including specifications, delivery schedules, and evaluation criteria.
  - Identify any ambiguities or inconsistencies in the solicitation and submit questions to the contracting officer (FAR 15.301).
  - Ensure your company meets all eligibility requirements.
- **Responsibility Requirements (FAR Part 9):**
  - **Financial Resources (FAR 9.104-1(a)):** Assess your company's financial capacity to perform the contract or ability to obtain necessary financing.
  - **Performance Capability (FAR 9.104-1(b)):** Evaluate your company's ability to meet the required performance schedule, considering existing commitments.
  - **Satisfactory Performance Record (FAR 9.104-1(c)):** Review your company's past performance history for any instances of significant issues or deficiencies.
  - **Integrity and Ethics (FAR 9.104-1(d)):** Ensure your company has a satisfactory record of integrity and business ethics.
  - **Necessary Organization, Experience, Accounting, and Operational Controls<sup>1</sup> (FAR 9.104-1(e)):** Confirm your company has the necessary structure, expertise, and systems in place to manage the contract effectively.

- **Production, Construction, and Technical Equipment and Facilities (FAR 9.104-1(f)):** Verify your company possesses or can obtain the necessary resources to fulfill the contract requirements.
- **Eligibility to Receive Award (FAR 9.104-1(g)):** Confirm your company is not debarred or suspended from doing business with the government (System for Award Management (SAM) database).
- **Proposal Preparation (FAR Part 15 & 9):**
  - Adhere to all proposal formatting and submission instructions.
  - Accurately represent your company's capabilities, experience, and resources relevant to the responsibility criteria.
  - Ensure cost or pricing data is accurate and complete (FAR Part 15, Table 15-2).
  - **Include information demonstrating responsibility:**
    - Financial statements or evidence of financial capacity.
    - Past performance references and documentation.
    - Descriptions of relevant experience and expertise.
    - Information on organizational structure, accounting systems, and operational controls.
    - Details on production facilities and equipment.
- **Debriefings (FAR 15.505 & 15.506):**
  - Request a debriefing if not selected for award to understand the evaluation process, including any responsibility concerns.
  - Use the debriefing to identify areas for improvement in future proposals, addressing any responsibility issues.

## **II. Contract Performance Phase (FAR Parts 4, 22, 23, 32, 42, 43, 44, 45, & 46):**

- **Contract Administration (FAR Part 42):**
  - Establish a system for tracking contract performance and deliverables.
  - Maintain accurate records of all contract activities.
  - Communicate effectively with the contracting officer.
- **Quality Assurance (FAR Part 46):**

- Implement a quality control plan to ensure products/services meet contract requirements.
- Conduct regular inspections and tests.
- Maintain documentation of quality control activities.
- **Subcontract Management (FAR Part 44):**
  - Obtain necessary consents for subcontracting (FAR 44.201-1).
  - Ensure subcontractors comply with applicable contract terms and conditions.
- **Payment (FAR Part 32):**
  - Submit invoices in accordance with contract terms.
  - Maintain accurate records of costs incurred.
- **Changes (FAR Part 43):**
  - Obtain written modifications for any changes to the contract scope, price, or schedule.
  - Do not perform work outside the original scope without a modification.
- **Government Furnished Property (FAR Part 45):**
  - Properly manage and account for any government-furnished property.
  - Report any loss or damage to government property.
- **Labor Standards (FAR Part 22):**
  - Comply with applicable labor laws, including wage rates (Davis-Bacon Act, Service Contract Act).
  - Maintain accurate payroll records.
- **Environmental Considerations (FAR Part 23):**
  - Comply with applicable environmental laws and regulations.
- **Security (FAR Part 4):**
  - Adhere to all security requirements, including personnel security clearances and data protection.
- **Ethics and Conduct (FAR Part 3):**
  - Avoid conflicts of interest.

- Do not offer or accept gratuities.
- **Reporting Requirements:**
- Submit all required reports on time and accurately (e.g., progress reports, financial reports).

### **III. Closeout Phase (FAR Subpart 4.8):**

- Ensure all deliverables have been accepted by the government.
- Submit final invoice and closeout documentation.
- Conduct a final reconciliation of contract costs.
- Properly dispose of any government-furnished property.

### **IV. General Compliance (FAR Subpart 4.7):**

- Maintain adequate records for audit purposes (FAR Subpart 4.7).
- Stay up-to-date on changes to the FAR and other applicable regulations.
- Provide regular training to employees on government contract compliance requirements.

### **Key Considerations for Responsibility (FAR Part 9):**

- **Affiliated Concerns (FAR 9.104-2):** The contracting officer may consider the performance record of affiliated companies.
- **Preward Surveys (FAR 9.106):** The government may conduct preaward surveys to assess a prospective contractor's capabilities and responsibility.
- **Determinations of Nonresponsibility (FAR 9.105):** If a contracting officer determines a prospective contractor is not responsible, they must document the reasons for this determination.

**Disclaimer:** This checklist was created by Google Gemini. It is for informational purposes only and does not constitute legal advice. You should consult with legal counsel for specific guidance on your contract and compliance obligations.