

Exposing Corruption Exploring Solutions
Project On Government Oversight

**Congressional Oversight Training Seminars
November 2007**

**Federal Contracting:
POGO's Investigative Tips**

1. Planning

- A. Does the government want or need the supply or service?
- B. Who is pushing for the procurement of the supply or service?
- C. Was the procurement created by a direct or indirect Legislative or Executive Branch earmark?
- D. Should the work be performed by contractors (in the case of services)?

2. Pre-Award

- A. Did the government advertise the solicitation to the fullest extent possible?
- B. How long was the solicitation open?
- C. What contracting vehicle was chosen for the procurement (cost-reimbursement, fixed-price, IDIQ, Time & Material, OTA, etc.)?
- D. How is the contract being financed?
- E. Is the government leveraging its buying power?
- F. What is the length of the contract?
- G. Who drafted the contract's procurement's scope of work and requirements?
- H. Are the contract requirements well defined?
- I. Did the scope of work and requirements permit the maximum amount of competition (sometimes they are very narrowly defined as to favor one contractor and exclude all others)?
- J. Were contract requirements bundled resulting in limited or no genuine competition?
- K. Was proper market research performed?
- L. Have the requirements been modified or amended to favor a contractor?
- M. Are there any conflicts (personal or organizational) that might bias the award of the contract?
- N. Did the contractor provide timely, accurate, and complete information to the government?

3. Award

- A. How many bids were received?
- B. What was the justification if something other than full and open competition was used?
- C. Has the agency properly justified its source selection process?
- D. Did the selected contractor genuinely offer “best value?”
- E. Was the contract awarded to a responsible contractor (including a satisfactory performance and business ethics record)?
- F. Were contractors properly classified in the case of small business designations or set-asides?
- G. Were any bid protests filed with GAO? If so, on what grounds?

4. Contract Administration

- A. Is the government properly overseeing the contract?
- B. Is the contractor complying with government oversight requests?
- C. Has the scope of work, requirements, financial terms been modified? Why?
- D. How many times has the contract been modified or amended?
- E. Has the contract been definitized?
- F. Is the contract on time?
- G. Is the contract on budget?
- H. Is the government receiving the supplies or services for which it contracted?
Beware of mission creep!
- I. What are possible termination outlets for the contract?
- J. How is the contract being financed?
- K. Are contract fees appropriate – especially award, incentive, or performance fees)?
- L. Is the contractor properly paying its subcontractors?
- M. Are there any conflicts (personal or organizational) that might bias the award of the contract?
- N. Are there any IG or audit reports that indicate fraud, waste, or abuse?
- O. Has the government accurately graded contractor performance?
- P. Is contract information correct in FPDS-NG?
- Q. Should the contractor be suspended or debarred?

5. Close-Out

- A. Is the contracting file up-to-date and accurate?
- B. Were performance appraisals accurate?
- C. Has the contractor accomplished all contract requirements?
- D. Would the government choose to contract with the contractor again?