

A vertical strip on the left side of the slide shows laboratory glassware. At the top, a hand holds a flask. Below it, a rack holds several test tubes. At the bottom, a pipette is shown above another rack of test tubes. The entire image has a blue tint.

*Draft DoD Procurement Policy
for Implementing
'Higher-Level' Contract Quality
Requirements*

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Why is Procurement Policy Needed?

- Government chemist/QAM guides laboratory selection
- Basis for selection is best-value, not cost
- Laboratory reviews QAPP *before* it is finalized

Purpose and Applicability

- Applies to all solicitations, contracts, and purchases involving environmental measurements
(Including orders placed by non-DoD agencies on behalf of DoD)
- Provides flexibility
 - Accommodates Components' unique contracting requirements and practices
 - Accommodates large, long-term contracts, as well as smaller, short-term acquisitions

Purpose and Applicability

Provide policy and guidance for implementing 'higher-level' contract quality requirements, including:

- Federal Acquisitions Regulations (FAR)
- Federal and DoD Data Integrity Guidelines
- Intergovernmental, DoD, and Component-specific quality systems policy
(e.g. DoD QSM, UFP-QS, and UFP-QAPP)

Federal Acquisitions Regulations (FAR)

FAR 46.202-4

- Provides for inclusion of ‘higher-level’ contract quality requirements
- Contains guidance on when requirements should be implemented
- Recognizes ANSI/ASQC E4 as an acceptable consensus standard
- Permits ‘tailoring’ of the standard for contract-specific requirements
(FAR Clause 52.246-11)

Federal Acquisitions Regulations (FAR)

FAR 37.601

“Performance-based contracting methods are intended to ensure that required performance quality levels are achieved and that total payment is related to the degree that services performed meet contract requirements”

FAR 37.602-2

“Agencies shall develop quality assurance surveillance plans when acquiring services. These plans shall recognize the responsibility of the contractor to carry out its quality control obligations and shall contain measurable inspection and acceptance criteria”

Background

Data Integrity Guidelines

- Public Law 106-554 directed OMB to issue data integrity guidelines
- January 2002 - OMB guidelines
- Feb 2003 - DoD guidelines
 - *“An additional level of quality is warranted in those situations involving influential scientific, financial, or statistical information”*
 - *“Information must be capable of being substantially reproduced”*

Key Provisions

- Government roles and responsibilities
- Contractor roles and responsibilities
- Quality Systems documentation requirements
- Minimum laboratory qualifications
- Minimum qualifications for Quality Assurance Managers (QAMs) and Project Chemists

Key Provisions (cont'd)

Government Roles and Responsibilities

Government QAM – Provides QA oversight during the procurement process and following contract award

Government Chemist – Determines technical requirements, develops technical evaluation criteria, and evaluates responsiveness of submittals

Key Provisions

Contractor QAM Responsibilities

- Approves project-specific DQOs and MQOs
- Approves final QAPP
- Verifies laboratory selection
- Coordinate assessments (per contract specs)
- Notifies Government QAM/Chemist of non-conformance
- Monitors corrective action as needed

Key Provisions

Contractor Project Chemist Responsibilities

- Oversees QAPP preparation
- Verifies method performance
- Verifies laboratory qualifications
- Provides laboratory coordination and oversight
- Performs data evaluation, per contract
- Monitors corrective action

Key Provisions

Documentation Requirements

- The organization's quality system must conform to the *Uniform Federal Policy for Implementing Quality Systems (UFP-QS)*
- Project-specific QA and QC procedures must conform to the *Uniform Federal Policy for Quality Assurance Project Plans (UFP-QAPP)*
- The laboratory's quality system must conform to the *DoD Quality Systems Manual for Environmental Laboratories (DoD QSM)*

Key Provisions

Minimum Laboratory Qualifications

- Nationally recognized (e.g. NELAP) accreditation or relevant State accreditation/certification
- Self-certification of conformance to the DoD QSM
- Approval from one or more DoD Components, including program or project-specific on-site assessment, as appropriate
- Acceptable Proficiency Testing (PT) results

Sample Contract Clauses

- A: Higher-Level Quality Requirements
- B: Required Quality Systems Documentation
(Pre-award)
- C: Required Quality Systems Documentation
(Post-award)
- D: Required Quality Control Reporting
(Post-award)

Prohibited Practices

- Fabrication, falsification, misrepresentation
- Improper date/time recording
- Unwarranted manipulation of samples, software, or analytical conditions
- Improper representation of quality control samples and/or results
- Improper calibration practices
- Concealing known problems
- Concealing improper/unethical behavior

Next Steps

- **Submit for Component review and comment**
- **Address comments**
- **Submit for formal Component concurrence**
- **Issue final Policy**
- **Conduct training**