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PART 1842

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(Revised June 30, 2017)

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PART 1842

CONTRACT ADMINISTRATION AND AUDIT SERVICES

Subpart 1842.1—Contract Audit Services

1842.101 Contract audit responsibilities.

(b)(1) The Defense Contract Audit Agency ([DCAA](#)) has been designated as the DOD agency responsible for the performance of audit functions for NASA contracts with vendors for which DOD acts as the Cognizant Federal Agency Official (CFAO), except those contracts awarded to educational institutions for which other agencies have audit cognizance under [OMB Circular No. A-133](#); those with the Canadian Commercial Corporation; and those contracts with vendors for which NASA serves as the CFAO. DCAA may not self-initiate contract required audits (i.e., incurred cost audits, contractor business reviews) on NASA's behalf without obtaining an audit request. For those contracts where DCAA has not received a Letter of Audit Delegation (NASA Form 1433), DCAA will provide a notice to nasa-price-analysts@lists.hq.nasa.gov asking if NASA wants a specific contract(s) audited.

(2) Cross-servicing arrangements are the responsibility of the Headquarters Office of the Chief Financial Officer. Contracting officers should direct questions to the Headquarters Office of Procurement, Contract and Grant Policy Division.

1842.102 Assignment of contract audit services.

1842.102-70 Review of administration and audit services.

NASA contracting activities shall assess their delegations to DOD semiannually to determine changes in delegation patterns that could result in significant changes in DOD manpower requirements or have other important impacts on DOD contract administration activities. Events such as major program cutbacks or expansions, changes in locations of major programs, and sizable new acquisitions should be considered in the assessment. Contracting activities shall advise the Headquarters Office of Procurement, Contract and Grant Policy Division when an assessment indicates a significant change in required DOD support. DCAA will provide the Headquarters Office of Procurement, Contract and Grant Policy Division with a contract required audit plan annually. DCAA will distribute a copy of all completed contract required audits that include NASA to nasa-price-analysts@lists.hq.nasa.gov.

1842.102-71 Assignment of NASA personnel at contractor plants.

(a)(1) NASA personnel normally shall not be assigned at or near a contractor's facility to perform any contract administration functions listed in [FAR 42.302\(a\)](#). Before such an assignment is made, a written request shall be forwarded to the cognizant program director for approval with the concurrence of the Assistant Administrator for Procurement, Program Operations Division. The following supporting information shall be forwarded with the request to make the assignment:

- (i) A statement of the special circumstances that necessitate the assignment.
- (ii) The contract administration services to be performed.
- (iii) A summary of any discussions held with the cognizant contract administration organization.
- (iv) A staffing plan covering three years or such shorter period as may be appropriate.

(2) The provisions of this paragraph do not apply to NASA audit personnel assigned to the field installations, to NASA technical personnel covered by 1842.101 and paragraph (b) of this section, unless they are performing any contract administration functions listed in [FAR 42.302\(a\)](#), or to personnel assigned to contractors' plants on NASA or other Federal installations.

(b) NASA may assign technical personnel (such as quality assurance, reliability, or engineering

representatives) to contractors' plants or laboratories to provide direct liaison with NASA and technical assistance and guidance to the contractor and DOD. The duties and responsibilities of these technical representatives shall be clearly defined and shall not conflict with, duplicate, or overlap with functions delegated to DOD personnel. NASA shall advise appropriate DOD and contractor organizations of the duties and responsibilities of NASA technical personnel.

(c) When a NASA resident office, including any assigned technical personnel, and a DOD contract administration office are performing contract administration functions for NASA contracts at the same contractor's facility, the two offices shall execute a written agreement clearly establishing the relationship between the two organizations and the contractor. The agreement should eliminate duplication in the performance of contract administration functions and minimize procedural misunderstandings between the two organizations. Such agreements shall be consistent with existing delegations to the contract administration offices concerned and shall specify the relationship of NASA nonprocurement resident personnel to their DOD and contractor counterparts if such personnel will be involved in any aspect of contract administration.

1842.102-72 Assignment of Contract Audit Services for Canadian Firms.

(a) For contracts with the Canadian Commercial Corporation (CCC), audits are automatically arranged by the Department of Defense Production (Canada) (DDP) in accordance with agreements between NASA and DDP. Audit reports are furnished to DDP. Upon advice from DDP, CCC will certify the invoice and forward it with [Standard Form 1034](#), Public Voucher, to the contracting officer for further processing and transmittal to the fiscal or financial management officer.

(b) For contracts placed directly with Canadian firms, audits are requested by the contracting officer from the Audit Services Branch, Comptroller of the Treasury, Department of Finance, Ottawa, Ontario, Canada. Invoices are approved by the auditor on a provisional basis pending completion of the contract and final audit. These invoices, accompanied by [SF 1034](#), are forwarded to the contracting officer for further processing and transmittal to the fiscal or financial management officer. Periodic advisory audit reports are furnished directly to the contracting officer.

Subpart 1842.2—Contract Administration Services

1842.202 Assignment of contract administration.

(b) *Special instructions.* The functions described in 42.302(b)(1) and the following subparagraphs of 42.302(a) are normally retained: (3), (10), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (23), (24), (29), (31), (32), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (51), (56), (58), (59), (62), (63), (64), (65), (69), and (70). In addition to the instructions at [FAR 42.202](#)(a)(1) through (4), contracting officers shall—

(i) Send delegations to the DCMA NASA Support Desk operated by DCMA NASA Product Operations (NPO) at: nasa_support_desk@dcma.mil, for receipt, coordination, and acceptance by DCMA and re-delegation for performance by the appropriate DCMA Contract Management Office(s); except for research and development with universities; management and professional support services; base, post, camp and station purchases; operation or maintenance of, or installation of equipment at, radar or communication network sites; and operation and maintenance of, or installation of equipment at Center test ranges, facilities, and installations;

(ii) Include in delegation requests the NASA Form 1430, Letter of Contract Administration Delegation, General, along with appropriate appendices (NASA Form 1430A, 1430B, 1430C, 1430D), NASA Form 1431, Letter of Acceptance of Contract Administration, and contract documents (base contract and SOW/PWS). Use the following address on NASA Form (NF) 1430 for block 3 and on NF 1431 block 4: DCMA NASA Product Operations, 2720 Howitzer Rd, Bldg. 2372, Fort Sam Houston, TX 78234-6002;

(iii) Contracting officers shall use the returned NASA Form 1431, Letter of Acceptance of Contract Administration, as contract file documentation that the delegation has been accepted, modified or rejected by DCMA and as a reference for points of contact for each of the functional areas delegated; and

(iv) Contracting officer shall contact the HQ Office of Procurement, Contract and Grants Policy Division to determine whether DCAA is the cognizant audit agency. If so, the contracting officer completes NASA Form 1433, Letter of Audit Delegation, to delegate the audit function to DCAA and to amend previous delegations. Item 12 on NASA Form 1433 shall be marked "Not applicable." Distribute copies of the contract and NASA Form 1433 as follows:

(A) *Audit office*: One copy of the contract and NASA Form 1433.

(B) *Contractor*: One NASA Form 1433.

1842.202-70 Retention of contract administration.

(a) The assignment of contract administration is optional for the following contracts:

- (1) Research and development study contracts not involving deliverable hardware or Government furnished property.
- (2) Contracts with periods of performance of 90 days or less.
- (3) Contracts with periods of performance of 91 to 180 days that do not include all of the following:
 - (i) A small business subcontracting plan.
 - (ii) Government-furnished property.
 - (iii) Progress payments, if a fixed-price type contract.
- (4) Purchase orders without Government source inspection requirements.
- (5) Contracts requiring only on-site performance.
- (6) Contracts requiring work in the vicinity of the awarding center where DOD contract administration services are not reasonably available.

(b) The determination to assign Quality Assurance, Property Administration or Plant Clearance for administration shall be made after review by the cognizant technical personnel.

Subpart 1842.3--Contract Administration Office Functions

1842.302 Contract administration functions.

In addition to the responsibilities listed in [FAR 42.302\(a\)](#), responsibility for reviewing earned value management system (EVMS) plans and verifying initial and continuing contractor compliance with NASA and DoD EVMS criteria and conformity with ANSI/EIA Standard 748, Industry Guidelines for EVMS, is normally delegated to DCMA.

Subpart 1842.5—Postaward Orientation

1842.503 Postaward conferences.

(1) A postaward conference shall be held with representatives of the contract administration office when—

- (i) A contract is expected to exceed \$10,000,000;
- (ii) Contract performance is required at or near a NASA installation or NASA-controlled launch site;
- (iii) The delegation will impose an abnormal demand on the resources of the contract administration office receiving the delegation; or
- (iv) Complex contract management problems are expected, particularly risk management areas identified during program and acquisition planning, e.g., significant or unusual mission success, technical, cost, schedule, safety, security, occupational health, environmental protection, and export control risks.

(2) Procurement officer approval is required to waive a post-award conference for contracts meeting any of the criteria in paragraph (1) of this section. The request for procurement officer approval to waive a post-award conference shall address action taken and planned to ensure effective communication with the contract administration office during the performance of the contract.

Subpart 1842.7—Indirect Cost Rates

1842.705 Final indirect cost rates.

1842.705-1 Contracting officer determination procedure.

(b) *Procedures.*

(3)(i) When NASA is not the cognizant Federal agency, NASA should participate with the cognizant contracting officer (or cognizant Federal agency official) in the final indirect cost rate determination procedure where the issues involved would have a significant financial impact on the agency. The NASA participant should be a representative from that installation providing the preponderance of NASA funding. If a determination is made that NASA's participation is not warranted, that decision must be communicated to the cognizant contracting officer (or cognizant Federal agency official).

(ii) When NASA is the cognizant Federal agency, settlement of indirect costs should be conducted by the cognizant NASA contracting officer (normally from the installation providing the preponderance of NASA funding).

1842.707 Cost-sharing rates and limitations on indirect rates.

(a) The AA for Procurement is the approval authority for use of an indirect rate ceiling provision in a solicitation or contract. Requests for approval shall be submitted through the Headquarters Office of Procurement, Program Operations Division. Such requests shall be constructed in the form of a Determination & Finding (D&F) which shall, at a minimum, contain a copy of the proposed indirect rate ceiling provision, a justification as to why such a provision is necessary, and the associated benefits to the Government. The Program Operations Division analyst shall coordinate all indirect rate ceiling approval requests with Headquarters Legal, the Cognizant Administrative Contracting Officer, and the cognizant Contract and Grant Policy Division analyst.

(b)(1) Indirect rate ceilings should only be used in those situations described in FAR 42.707(b)(1)(i) and (ii). On competitive procurements, if the situation cited in [FAR 42.707\(b\)\(1\)\(iii\)](#) arises during the cost realism evaluation, use of an indirect rate ceiling provision should be proposed as part of the source selection presentation and the above approval procedures initiated at that time.

(c) All indirect rate ceiling provisions must address, at a minimum, the indirect rates being capped; the procedures for possible adjustment of ceiling rates if certain circumstances warrant such adjustment; and the elements identified in [FAR 42.707\(c\)](#).

1842.708 Quick-closeout procedure.

(a)(2)(ii) The 10 percent parameter does not apply to NASA contracts.

1842.708-70 NASA Quick-closeout procedures.

After a decision is made that the use of quick closeout is appropriate, the contracting officer shall—

(a) Obtain a written agreement from the contractor to participate in the quick-closeout process under [FAR 42.708](#) for the selected contract(s);

(b) Require the contractor to submit a final voucher and a summary of all costs by cost element and

fiscal year for the contract(s) in question, as well as a copy of the contractor's final indirect cost rate proposal for each fiscal year quick closeout is involved;

(c) Notify the cognizant audit activity in writing, identify the contract(s), and request that—

- (1) The contractor's indirect cost history covering a sufficient number of fiscal years to see the trend of claimed, audit questioned, and disallowed costs; and
- (2) Any other information that could impact the decision to use quick-closeout procedures. Indirect cost histories should be requested from the contractor only when the cognizant audit activity is unable to provide the information.

(d) Review the contract(s) for indirect cost rate ceilings and any other contract limitations, as well as the rate history information.

(e) Establish final indirect cost rates using one of the following rates:

- (1) The contract's ceiling indirect cost rates, if applicable, and if less than paragraphs (e)(2) through (6) of this section.
- (2) The contractor's claimed actual rates adjusted based on the contractor's indirect cost history, if less than paragraphs (e)(3) through (6) of this section.
- (3) Recommended rates from the cognizant audit agency, the local pricing office, another installation pricing office, or other recognized knowledgeable source.
- (4) The contractor's negotiated billing rates, if less than paragraphs (e)(5) or (6) of this section.
- (5) The previous year's final rates.
- (6) Final rates for another fiscal year closest to the period for which quick-closeout rates are being established.

(f) If an agreement is reached with the contractor, obtain a release of all claims and other applicable closing documents.

(g) For those contracts where the indirect cost rate negotiation function was delegated or falls under the cognizance of another agency, send a copy of the agreement to that office.

Subpart 1842.12—Novation and Change-of-Name Agreements

1842.1203 Processing agreements.

(b) The installation shall immediately notify the Headquarters Office of Procurement, Program Operations Division of the request to execute a novation (successor-in-interest) or change-of-name agreement.

(h) The contracting officer shall forward one copy of the agreement to the Program Operations Division.

1842.1203-70 DOD processing of novation and change-of-name agreements on behalf of NASA.

(a) Copies of novation and change-of-name agreements executed by DOD on behalf of NASA are maintained by the Headquarters Office of Procurement Program Operations Division.

(b) Program Operations Division is the Agency point of contact for issues related to proposed novation agreements. With the concurrence of Program Operations Division, an installation may execute a separate agreement with the contractor.

Subpart 1842.13—Suspension of Work, Stop-Work Orders, and Government Delay

of Work

1842.1305 Contract clauses.

(b) [FAR 52.242-15](#), Stop-Work Order, shall not be used in solicitations or contracts for research performed by educational or other nonprofit institutions.

Subpart 1842.15—Contractor Performance Information

1842.1502 Policy.

(a) Not later than 120 days after the end of the period of performance on contracts having a period of performance exceeding one year, contracting officers must conduct interim evaluations of performance on contracts subject to [FAR 42.15](#) and this subpart. Interim evaluations are not required on contracts whose award anniversary is within 3 months of the end of the contract period of performance. The final evaluation will include an evaluation of the period between the last interim evaluation and the end of the contract period of performance. Interim performance evaluations are optional for SBIR/STTR Phase II contracts.

1842.1503 Procedures.

(a) The contracting officer shall determine who (e.g., the technical office or end users of the products or services) evaluates appropriate portions of the contractor's performance. The evaluations are subjective in nature. Nonetheless, the contracting officer, who has responsibility for the evaluations, shall ensure that they are reasonable.

(b) The Contractor Performance Assessment Reporting System (CPARS) shall be used to document evaluations. This provides for a five-tiered rating covering the following attributes: quality, schedule, cost control (not required for firm-fixed-price contracts or firm-fixed-price contracts with economic price adjustment), business relations, management of key personnel, utilization of small business, and other considerations within the CPARS module; Quality, Key Consultants, Design/Engineering, and Construction within the ACASS module; and Quality, Management, Timely Performance, Labor Standards, Environmental Management, Occupational Health and Safety Standards within the CCASS module.

(i) For occupational health and safety, the following should be included in the rating based on applicability to the specific contract:

(A) Compliance with the approved health and safety plan.

(B) Safety record and incidence history.

(C) Procedures for the correction and control of hazards.

(ii) For environmental management, the following should be included in the rating based applicability to the specific contract:

(A) Compliance with the Center environmental management system (for on-site contracts).

(B) Use of environmentally preferable products and services.

(C) Compliance with contract sustainable acquisition requirements.

(c) For Cost Plus Award Fee or Fixed Price Award Fee type contracts, contracting officers shall complete the following evaluation information in the Award Fee Evaluation System (AFES) module in the NASA Acquisition Internet Service (NAIS):

(i) Available award fee amount.

(ii) Amount of award fee earned.

(iii) Award fee rating.

(iv) How the use of award fee did or did not motivate the contractor's overall cost, schedule and

technical performance as measured against contract requirements in accordance with the criteria stated in the award fee plan.

(v) How the objectives were enhanced by using an award fee contract as stated in the determination and findings required at [FAR 16.401](#)(d).

(vi) Award fee determination meeting date.

(vii) Date Fee Determining Official determination notice to the contractor.

(viii) Date contractor was paid.

(ix) Numerical award fee score.

Center Procurement Offices shall monitor the information entered into Award Fee Evaluation System (AFES) for accuracy and completeness. The review should be conducted at least twice a year with the results included in the annual Center Self-Assessment.

(e) Center Procurement Offices shall conduct an evaluation of the Center's compliance with the reporting requirements in NFS [1842.1502](#)(a). The evaluation shall include compliance with timeliness and the quality of the performance evaluations and shall be conducted at least twice a year. The results of these evaluations shall be included in the annual Center Self-Assessment.

Subpart 1842.70—Additional NASA Contract Clauses

1842.7001 Denied Access to NASA Facilities.

The contracting officer shall insert the clause at [1852.242-72](#), Denied Access to NASA Facilities, in solicitations and contracts where contractor personnel will be working onsite at a NASA facility such as: NASA Headquarters and NASA Centers; including Component Facilities and Technical and Service Support Centers. For a list of NASA facilities see [NPD 1000.3](#) "The NASA Organization". The contracting officer shall not insert the clause where contractor personnel will be working onsite at the Jet Propulsion Laboratory including the Deep Space Network Communication Facilities (Goldstone, CA; Canberra, Australia; and Madrid, Spain).

1842.7002 Travel outside of the United States.

The contracting officer shall insert the clause at [1852.242-71](#), Travel Outside of the United States, in cost-reimbursement solicitations and contracts where a contractor may travel outside of the United States and it is appropriate to require Government approval of the travel.

1842.7003 Emergency medical services and evacuation.

The contracting officer must insert the clause at [1852.242-78](#), Emergency Medical Services and Evacuation, in all solicitations and contracts when employees of the contractor are required to travel outside the United States or to remote locations in the United States.

Subpart 1842.71—Reserved

Subpart 1842.72—NASA Contractor Financial Management Reporting

1842.7201 General.

(a) *Contracting officer responsibilities.*

(1) Contracting officers must ensure contracts require cost reporting consistent with both policy requirements and project needs. Contracting Officers shall monitor contractor cost reports on a regular basis to ensure cost data reported is accurate and timely. Adverse trends or discrepancies discovered in cost reports should be pursued through discussions with financial and project team members.

(2) Whenever cost performance threatens contract performance, contracting officers shall require corrective action plans from the contractors.

(b) Reporting requirements.

(1) Use of the NASA Contractor Financial Management Reports, the NASA Form 533 series, is required on cost-type, price redetermination, and fixed-price incentive contracts when the following dollar, period of performance, and scope criteria are met:

Contract value/scope	Period of Performance	533M	533Q
\$500K to \$999K	1 year or more	Required	Optional
\$1,000,000 and over	Less than 1 year	Required	Optional
\$1,000,000 and over	1 year or more	Required	Required

(2) When it is probable that a contract will ultimately meet the criteria in paragraph (b)(1) of this section through change orders, supplemental agreements, etc., the reporting requirement must be implemented in the contract based on the estimated final contract value at the time of award.

(3) NASA Form 533Q reporting may be waived by the contracting officer, with the concurrence of the center chief financial officer and cognizant project manager, for support service or task order contracts, when NF 533M reports and other data are sufficient to ensure accurate monthly cost accruals, evaluation of the contractor's cost performance, and forecasting of resource requirements.

(4) Where a specific contractual requirement differs from the standard system set forth in [NPR 9501.2](#), NASA Contractor Financial Management Reporting, but is determined to be in the best interests of the Government and does not eliminate any of the data elements required by the standard NF 533 formats, it may be approved by the contracting officer with the concurrence of the center chief financial officer and the project manager. Such approval shall be documented and retained, with the supporting rationale, in the contract file.

(5) The contractor's internal automated printout reports may be substituted for the 533 reporting formats only if the substitute reports contain all the data elements that would be provided by the corresponding 533's. The contracting officer shall coordinate any proposed substitute with the installation financial management office.

(c) Contract requirements.

(1) Reporting requirements, including a description of reporting categories, shall be detailed in the procurement request, and reports shall be required by inclusion of the clause prescribed in [1842.7202](#). The contract schedule shall include report addressees and numbers of copies. The final agreed upon reporting categories shall be approved by the Center Chief Financial Officer or designee to ensure that data required for agency cost accounting will be provided by the reports. Reporting dates shall be in accordance with [NPR 9501.2](#), except that earlier submission is encouraged whenever feasible. No due date shall be permitted which is later than the date by which the center financial management office needs the data to enter an accurate monthly cost accrual in the accounting system.

(2) The development of the cost reporting structure must be a collaborative effort by government personnel to include, as appropriate: technical, program management, procurement, financial, and resources personnel who will have a role in monitoring contractor performance, contract administration, or otherwise use the reporting data. The reporting structure, i.e., the specific reporting categories shall be included in the solicitation to inform prospective contractors of the reporting requirements. The final reporting structure will be finalized and agreed to by the government and the contractor.

(3) The contractor shall be required to submit an initial report in the NF 533Q format, time phased for the expected life of the contract, within 30 days after authorization to proceed has been granted. NF 533M reporting will begin no later than 30 days after incurrence of cost. NF 533Q reporting begins

with the initial report.

1842.7202 Contract clause.

The contracting officer shall insert the clause at [1852.242-73](#), NASA Contractor Financial Management Reporting, in solicitations and contracts when any of the NASA Form 533 series of reports is required from the contractor.

Subpart 1842.73—Audit Tracking and Resolution

1842.7301 NASA reportable contract audit follow-up process.

(a) As used in this subpart, the Reportable Audit Representative is the Center's designee for tracking the resolution and disposition of reportable audit reports.

(b) This section implements [OMB Circular No. A-50](#) and NASA Policy Directive (NPD) [9910.1](#), "Government Accountability Office/NASA Office of Inspector General Audit Liaison, Resolution, and Follow-up."

(c) NASA's Audit and Assurance Information Reporting System (AAIRS), <http://oicms.hq.nasa.gov/alr-homepage.html>, tracks all reportable contract audit reports where NASA has resolution and disposition authority. The objective of the tracking system is to ensure that reportable contract audit report recommendations are resolved within six months after receipt of the audit report.

(d)(1) The Reportable Audit Representative shall enter into AAIRS all reportable contract audit reports as defined by Chapter 15, Section 6, of the [DCAA Contract Audit Manual](#) (CAM) where NASA has resolution and disposition responsibility. Until all audit recommendations are resolved and dispositioned, the information shall be updated at least quarterly. DCAA will provide to NASA HQ Office of Procurement, Contract and Grant Policy Division, a listing of reportable audit reports requiring resolution and disposition.

(2) The resolution and disposition of DCAA reportable contract audit reports, where NASA has resolution and disposition authority, are handled as follows:

(i) Audit recommendations pertaining to an individual NASA contract are the responsibility of the NASA contracting officer for that contract.

(ii) Audit recommendations impacting more than one NASA contract are the responsibility of the NASA contracting officer providing the preponderance of funding to the particular contractor for the contractor fiscal year covered by the audit report (lead contracting officer). The lead contracting officer from the Center with the preponderance of funding serves as lead and should furnish a copy of the reportable contract audit report to all NASA contracting officers with contracts impacted by the audit report. Those contracting officers should be provided the opportunity to participate in the negotiations or provide input into the negotiation strategy for resolving and dispositioning the audit recommendations.

(e) Reportable contract audit reports issued to DCMA in cases where contract administration has been delegated to DCMA are not required to be entered into AAIRS since DCMA is required to track and maintain these audit reports. NASA contracting officers shall communicate with the DCMA Administrative Contracting Officer (ACO), who has the authority to perform reportable contract audit resolution and disposition activities on these NASA contracts. This dialogue will be conducted at least semiannually regarding the status relative to the ACO's audit resolution and disposition activities documented in the contract file. During this dialogue, NASA contracting officers should also obtain projected reportable contract audit resolution and disposition dates in order to address any issues in a timely manner and ensure the timely close out of cost-type contracts.

1842.7302 Reportable audit disposition documentation.

For each DCAA reportable contract audit report where NASA has resolution and disposition authority, the NASA contracting officer shall submit disposition documentation (e.g. price negotiation memorandum) to the DCAA office that provided the audit report with a copy provided to the Center-designated Reportable Audit Representative.