15.404-2 Data to support proposal analysis.

(a) Field *pricing* assistance.

(1) The *contracting officer should* request field *pricing* assistance when the information available at the buying activity is inadequate to determine a fair and reasonable *price*. The *contracting officer shall* tailor requests to reflect the minimum essential supplementary information needed to conduct a technical or cost or *pricing* analysis.

(2) The *contracting officer shall* tailor the type of information and level of detail requested in accordance with the specialized resources available at the buying activity and the magnitude and complexity of the required analysis. Field *pricing* assistance is generally available to provide-

(i) Technical, audit, and special reports associated with the cost elements of a proposal, including *subcontracts*;

(ii) Information on related *pricing* practices and history;

(iii) Information to help *contracting officers* determine commerciality and a fair and reasonable *price*, including-

(A) Verifying sales history to source documents;

(B) Identifying special terms and conditions;

(C) Identifying customarily granted or offered discounts for the item;

(D) Verifying the item to an existing catalog or *price* list;

(E) Verifying historical data for a product or service previously not determined commercial that the *offeror* is now trying to qualify as a *commercial product* or *commercial service*; and

(F) Identifying general market conditions affecting determinations of commerciality and a fair and reasonable *price*.

(iv) Information relative to the business, technical, production, or other capabilities and practices of an *offeror*.

(3) When field *pricing* assistance is requested, *contracting officers* are encouraged to team with appropriate field experts throughout the *acquisition* process, including negotiations. Early communication with these experts will assist in determining the extent of assistance required, the specific areas for which assistance is needed, a realistic review schedule, and the information necessary to perform the review.

(4) When requesting field *pricing* assistance on a contractor's request for equitable adjustment, the *contracting officer shall* provide the information listed in 43.204(b)(5).

(5) Field *pricing* information and other reports *may* include proprietary or *source selection information* (see 2.101). This information *must* be appropriately identified and protected accordingly.

(b) Reporting field *pricing* information.

(1) Depending upon the extent and complexity of the field *pricing* review, results, including supporting rationale, *may* be reported directly to the *contracting officer* orally, *in writing*, or by any other method acceptable to the *contracting officer*.

(i) Whenever circumstances permit, the *contracting officer* and field *pricing* experts are encouraged to use telephonic and/or electronic means to request and transmit *pricing* information.

(ii) When it is necessary to have written technical and audit reports, the *contracting officer shall* request that the audit agency concurrently forward the audit report to the requesting *contracting officer* and the administrative *contracting officer* (ACO). The completed field *pricing* assistance results *may* reference audit information, but need not reconcile the audit recommendations and technical recommendations. A copy of the information submitted to the *contracting officer* by field *pricing* personnel *shall* be provided to the audit agency.

(2) Audit and field *pricing* information, whether written or reported telephonically or electronically, *shall* be made a part of the official contract file (see 4.803(a)(19)).

(c) Audit assistance for prime contracts or *subcontracts*.

(1) The *contracting officer should* contact the cognizant audit office directly, particularly when an audit is the only field *pricing* support required. The audit office *shall* send the audit report, or otherwise transmit the audit recommendations, directly to the *contracting officer*.

(i) The auditor *shall* not reveal the audit conclusions or recommendations to the *offeror*/contractor without obtaining the concurrence of the *contracting officer*. However, the auditor *may* discuss statements of facts with the contractor.

(ii) The *contracting officer should* be notified immediately of any information disclosed to the auditor after submission of a report that *may* significantly affect the audit findings and, if necessary, a supplemental audit report *shall* be issued.

(2) The *contracting officer shall* not request a separate preaward audit of *indirect costs* unless the information already available from an existing audit, completed within the preceding 12 months, is considered inadequate for determining the reasonableness of the proposed *indirect costs* (41 U.S.C.4706 and 10 U.S.C. 3841).

(3) The auditor is responsible for the scope and depth of the audit. Copies of updated information that will significantly affect the audit *should* be provided to the auditor by the *contracting officer*.

(4) General access to the *offeror*'s books and financial records is limited to the auditor. This limitation does not preclude the *contracting officer* or the ACO, or their representatives, from requesting that the *offeror* provide or make available any data or records necessary to analyze the *offeror*'s proposal.

(d) *Deficient proposals*. The ACO or the auditor, as appropriate, *shall* notify the *contracting officer* immediately if the data provided for review is so deficient as to preclude review or audit, or if the contractor or *offeror* has denied access to any records considered essential to conduct a satisfactory review or audit. Oral notifications *shall* be confirmed promptly *in writing*, including a description of deficient or denied data or records. The *contracting officer* immediately *shall* take appropriate action to obtain the required data. *Should* the *offeror*/contractor again refuse to provide adequate data, or

provide access to necessary data, the *contracting officer shall* withhold the award or *price* adjustment and refer the contract action to a higher authority, providing details of the attempts made to resolve the matter and a statement of the practicability of obtaining the *supplies* or services from another source.

Parent topic: 15.404 Proposal analysis.