HQCPC





Headquarters Contracts and Property Committee (HQCPC)

Project Management Foundation Training
November 2014

Helen DAVEY DUVAL Hilda JUHL-SØRENSEN



Overview

- HQCPC Role
- Purpose of HQCPC
- HQCPC Members
- HQCPC Process Steps
- Processing Times
- Retroactivity
- HQCPC or LCPC?
- What HQCPC Reviews
- What Makes a Good Submission
- Tips on Making the Submission Process Easier
- Rejection Rates
- Common Pitfalls in Procurement Submissions
- Common Pitfalls in ICA, Asset Disposal and Write-Off Submissions
- HQCPC Webpage
- HQCPC Online System
- Pre-clearance Officers
- HQCPC Team



HQCPC Role

OD 16 (and OD 21)

HQCPC Scope of Review

Procurement cases

- Procurement Manual
- AI/PM/2009/01 on Engagement Acceptance (Pre-Selection)

<u>ICAs</u>

- OD 21
- AI/HRPG/2012/01 (Rev.12 Individual Contractor Agreement Instructions)
- AI/HRPG/2012/03 GPRS Instructions

Asset Disposal

-Administrative Instruction on Management of Assets - AI/EO/2011/02

Write-offs

OD 32 – Establishment and Approval of Write-Offs and Provision for Write-Offs

Corporate Dwelling Facilities

AI/EO/2010/01 on Establishment, Management and Closure of CDF

LCPCs

Section 3.2.2 (a) of <u>OD 16</u>



Purpose of HQCPC Procurement Review

The purpose of UNOPS Contracts Committees* review of procurement activities (including ICAs) is to:

- a) Render written advice to ECPO on procurement activities leading to the award or amendment of procurement contracts which, for the purposes of the FRRs, include written instruments, such as contracts, that generate revenue for UNOPS
- b) Ensure that appropriate authority has been obtained for the commitment of funds; that the best interests of UNOPS and its clients are protected; and that the procurement activities are carried out in conformity with the FRRs, relevant policies and procedures and are in accordance with generally recognized leading business practices



HQCPC Members

All submission categories:

- Ms. Helen Davey (HQCPC)
- Mr. Kong Leong Toh (LPG)
- Mr. Davronbek Akhmadbekov (AFOH)
- Mr. Fernando Cotrim Barbieri (PEOC)
- Mr. Lou Luff (LKOH)
- Ms. Mariacarmen Colitti (GPSO)
- Mr. Nicholas O'Regan (JMOC)
- Ms. Ada Zelaya (LCO)
- Ms. Nisreen Shunnar (IQOH)
- Ms. Rula Abu Nimreh (SSOC)
- Mr. Farouk Hirzalla (IQOH)
- Mr. Brendan Keirnan (PRPC)
- Mr. Kristof Choinski (IPAS)
- [Ms. Fatima Abbasi (JMOC)]

ICA submissions only:

- Mr. Arbër Stublla (PCPG)
- Ms. Yvrose Strachan (GPSO)
- Mr. Lassana Sanogo (IPAS)
- Ms. Anne-Lise Vilpreux (IPAS)

Asset Disposal, Write-off and CDF submissions only:

Mr. Thomas Overvad (KHOC)

HQCPC Process Steps

Pre-HQCPC:



* Allocate appropriate time for pre-clearance and clearance of the submission

HQCPC works on a weekly cycle with a maximum processing time of 2 weeks for procurement and ICA submissions



Changes to CPC Processes

Changes to CPC processes from July 2014

- Procurement and ICA Submitting Officers have the opportunity to make a two minute presentation of their case during the meeting
- Procurement and ICA Submitting Officers are contacted by phone through WebEx during the meeting to answer any questions on the spot as a default communication mode, the aim being to conclude the review in the meeting if possible

Changes to CPC processes from 1 September 2014

- Ad Hoc meetings have been discontinued
- Two regular meetings per week for each CPC

This does <u>not</u> affect the review of Emergency Procurement Procedures submissions!

Monday Meetings:

Deadline for response to initial queries is Tuesdays 12.00 hrs CPH

HQCPC
Submission
Deadline
Fridays 6.00
hrs CPH

HQCPC
Meeting
Mondays
13.00 hrs
CPH

Monday Onwards:

Clarification **Process**

Minutes & Recs Drafted

ECPO
Reviews
Minutes &
Recs

Notification/
Publication of
ECPO Decision
and HQCPC
Minutes

Clarification process must be finalized by <u>COB Wednesday</u> of the week following a Monday meeting

Wednesday Meetings:

Deadline for response to initial queries is **Thursdays** 12.00 hrs CPH

HQCPC
Submission
Deadline
Tuesdays
6.00 hrs CPH

HQCPC
Meeting
Wednesdays
13.00 hrs
CPH

Wednesday
Onwards:

Clarification **Process**

Minutes & Recs Drafted ECPO Reviews Minutes & Recs Notification/
Publication of
ECPO Decision
and HQCPC
Minutes

Clarification process must be finalized by <u>COB Friday</u> of the week following a Wednesday meeting



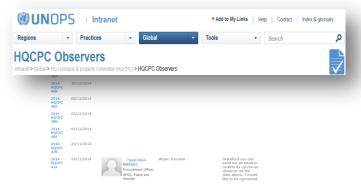
BUT:

- Emergency Procurement Procedures:
 - prior ECPO authorization under chapter 6
 - simplified accelerated solicitation process RFQ
 - faster review



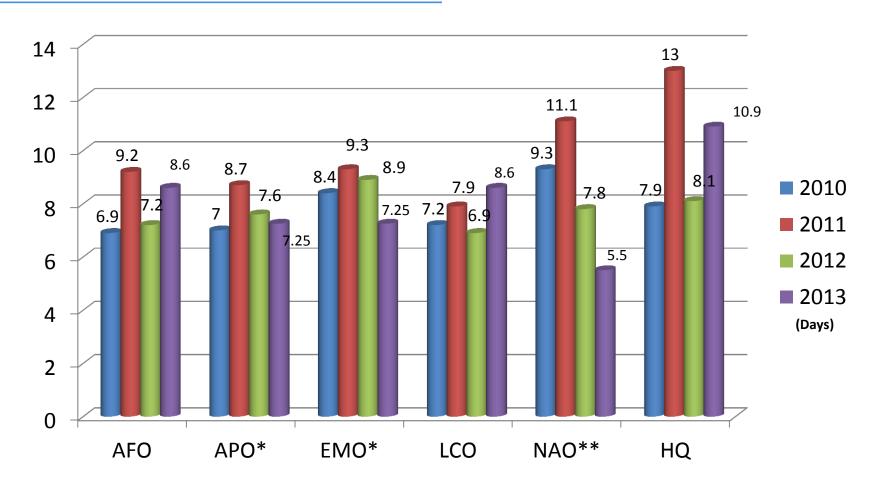
OBSERVERS ARE WELCOME FOR PROCUREMENT CASES

- No need to be physically present in Copenhagen to observe
- HQCPC Secretariat will send you the submission documents on Friday or Tuesday
- You can sign up via our intranet <u>page</u> (or contact <u>hqcpc@unops.org</u> if unsure how)





Procurement Processing Times per Region

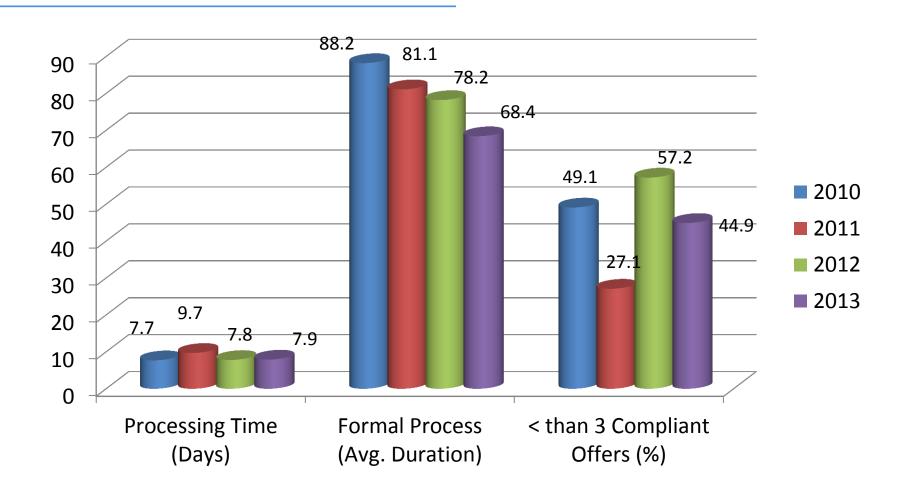


^{*} Now AEMO

^{**} Now GPSO

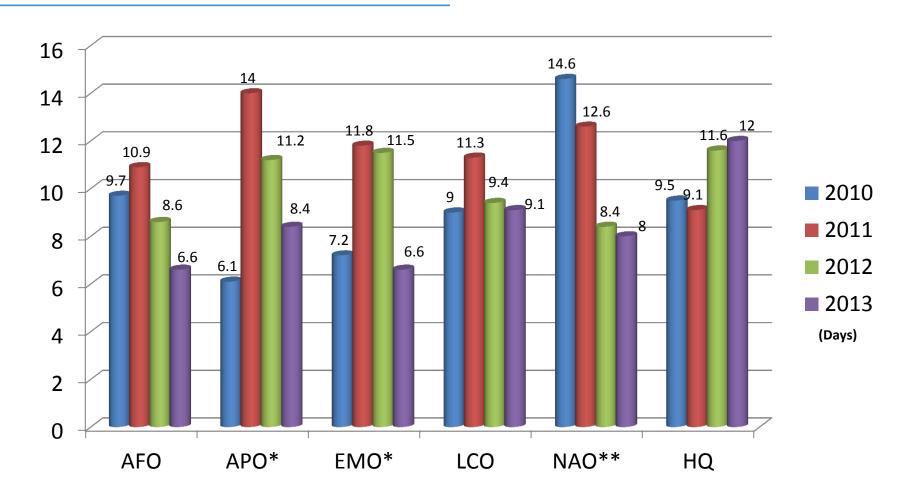


2010 - 2013 - Procurement





ICA Processing Times per Region

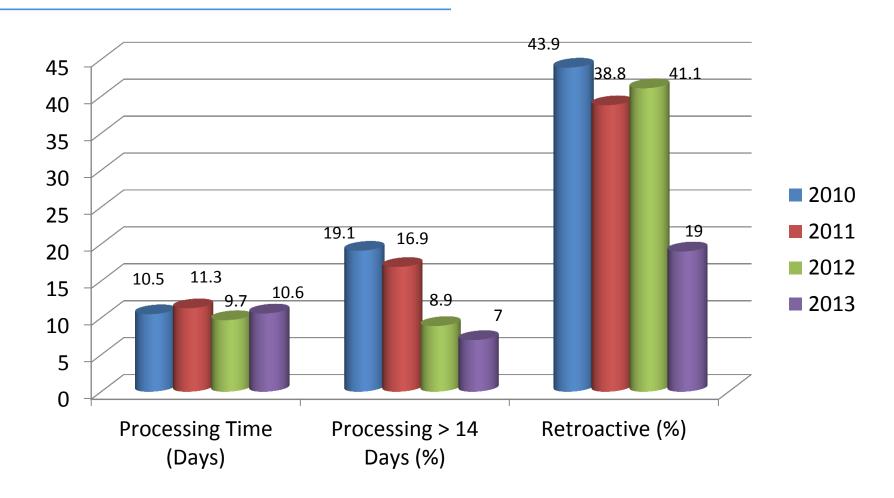


^{*} Now AEMO

^{**} Now GPSO



2010 - 2013 - ICA



Frequently Asked Question

Q: Can you make a submission to HQCPC without having Available Funds?

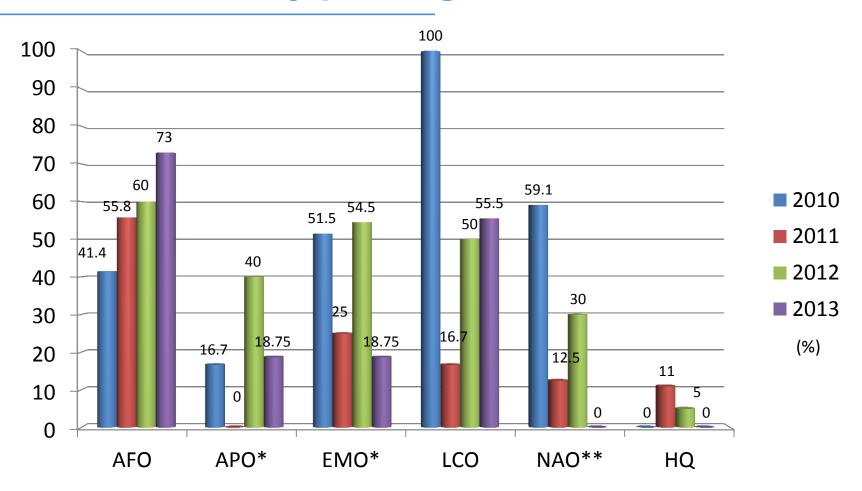
A: YES

Except for Post Facto or Retroactive cases, it is possible to make a submission to HQCPC prior to receiving funding. The SU should request an award subject to availability of funds.

NB: NO contract can be signed before fulfilment of ECPO condition



ICA Retroactivity per Region

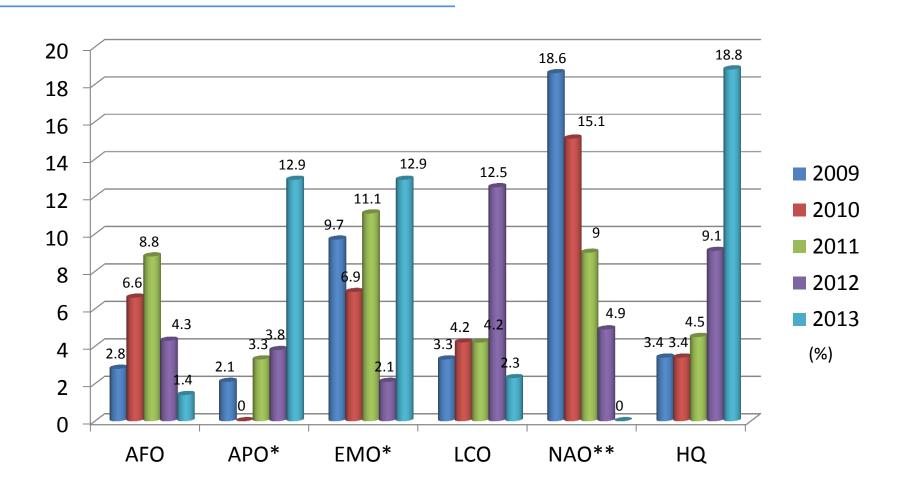


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^{**} Now GPSO



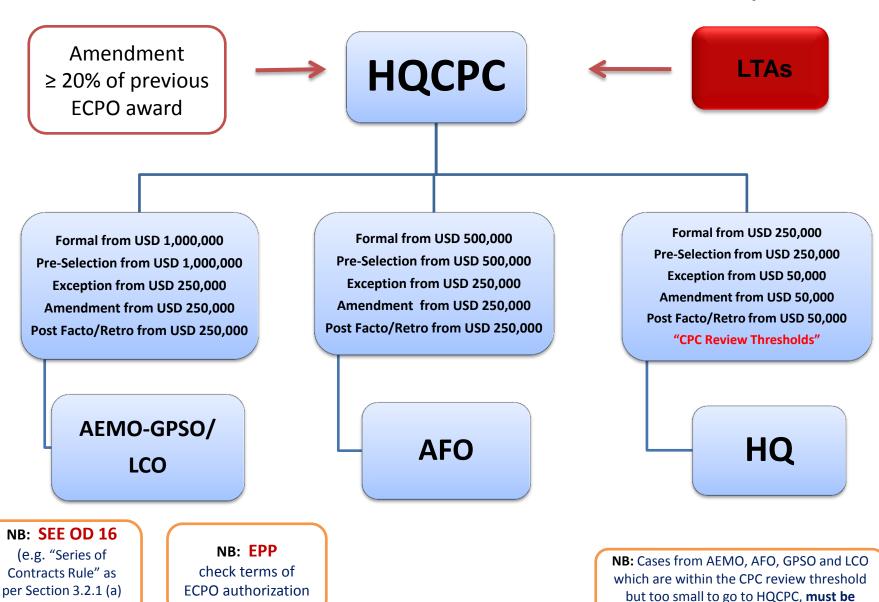
Post Facto/Retroactive Procurement Submissions per Region



^{*} Now AEMO

^{**} Now GPSO

Procurement – When do I Submit to HQCPC?



submitted to LCPC.

(iv) of OD 16)



ICA Thresholds for CPC Review

- →Thresholds are not determined by amount but by FEE RATE (annualised amount)
- →Awards are valid until the 4th anniversary of the start date



ICA Thresholds for CPC Review

Irrespective of fee rate, CPC review is <u>not</u> required for:

- ICA Pre-Selection cases if not retroactive or postfacto (but must be awarded by DOA2)
- ICA competitive if (i) short-term and (ii) not retroactive/post facto and (iii) not exceeding USD 50,000 total value



ICA Thresholds for CPC Review

Competitive but NOT Retroactive/Post Facto:

HQCPC review if annualised amount is over USD 250,000	(from USD 20,834 per month)
LCPC review if annualised amount is over USD 100,000	(from USD 8,334 per month)

Exceptions plus ALL Retroactive/Post Facto:

HQCPC review if annualised amount is over USD 100,000	(from USD 8,334 per month)
LCPC review if annualised amount is over USD 50,000	(from USD 4,167 per month)

Transition (Extensions):

- →No further CPC review required if the original award or an earlier extension was reviewed by HQCPC or LCPC
- →Otherwise the thresholds above apply



ICA Thresholds for CPC Review (continued)

NB 1: Annualised amount can be derived from daily fee, retainer fee, part-time work

NB 2: Different regime for lump sum / non duration contracts – previous 12 months are relevant

HQCPC Submission Forms

New Forms from 2 December 2013

Procurement

Formal

Exception (including amendments)

Pre-selection

LTA

Emergency

<u>ICA</u>

Competitive

Exception

Amendment

Other

Asset disposal

Write-off

Corporate Dwelling Facility

LCPC Reports

- Required documents vary according to submission type
- Please see guidance on the HQCPC intranet site



What makes a good submission

- Demonstrates that UNOPS rules & procedures have been complied with
- Clear and self-contained explanations
- Proper justifications e.g. reasonableness of costs, applicable exception ground, need for continuity of service...
- Complete & signed supportive documents - e.g.

technical & financial evaluation reports

Make sure that:

- You have chosen the appropriate submission form
 - •The Pre-clearance Officer has advised you on potential issues
- You double-check that the submission is complete and selfexplanatory



Before the Submission:

- Allocate time for Pre-Clearance, Clearance and Review Process in Procurement Plan
- Make your submission on time!
- Have it pre-cleared and cleared by the correct person
- Include all the relevant documents that:
 - Support your process and explain your request
 - Explain how appropriate action has been taken / information given and received / evaluation made
- Avoid unnecessary attachments (such as copies of lengthy e mail exchanges)



Before/During the HQCPC Meeting:

- Be prepared
- Only designate a contact person who is fully knowledgeable of the case
- Ensure electronic access to the submission during the call
- Listen to the question and answer what is asked ask for clarity if needed
- Don't hesitate to ask if you would prefer to have the conversation in French or Spanish!
- Only give answers that can be backed up if necessary
- If you do not feel able to answer a question immediately without further research/consulting a colleague, then please say so
- Stay calm remember that we are colleagues and would like your case to have a positive outcome!



After the HQCPC Meeting:

- Reply to any queries in a timely manner:
 - Leave a contact person if the SO will be absent during clarification process
 - Designate a contact person who is well informed about the process
- Answer the questions! A good answer is:
 - A = accurate
 - B = "backed up"
 - C = clear /concrete /consistent
- If the question is not understood ask for clarification
- Feel free to use French or Spanish!

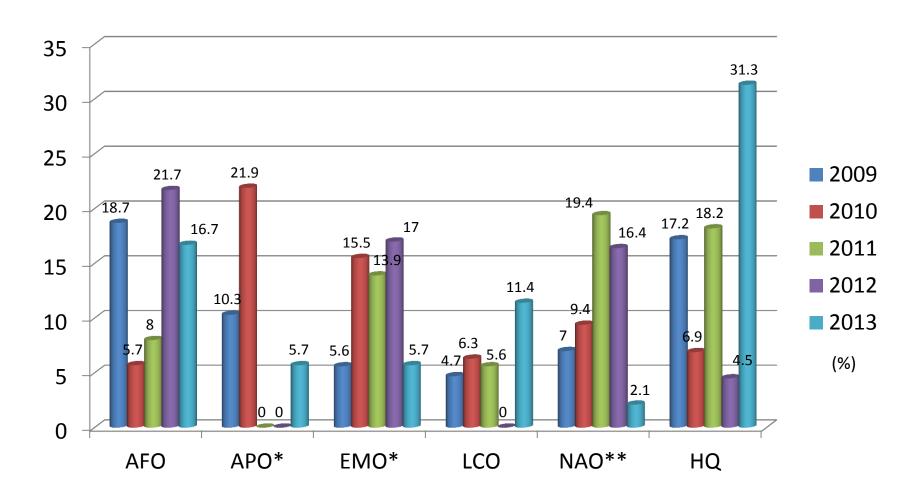


Please read the minutes to your previous submissions!

Survey of 2013 Submitting Officers to HQCPC and LCPCs:

➤ 71% of respondents reported that the minutes to their case will help them improve the quality of future submissions

Procurement Rejection Rate per Region 2009 - 2013



^{*} Now AEMO

^{**} Now GPSO



New Procurement Manual – Effective 1 May 2014

Applies to "all procurement activities initiated on or after 1 May 2014".

- If tender documents issued on or after 1 May 2014 → new Procurement Manual applies
- If tender documents issued before 1 May 2014 → old Procurement Manual applies

SPPG Director has interpretation authority of new Procurement Manual. Interpretation received by HQCPC from SPPG Director is uploaded on HQCPC webpage.

HQ contracts & property committee (HQCPC) Intranet > Global > HQ contracts & property committee (HQCPC) > Authoritative Interpretation of Procurement Manual (rev. 5) by SPPG Director



HQCPC Procedures	Interpretation of the Procurement Manual (rev. 5)	
About HQCPC	Section 1.3.1 of the Procurement Manual states as follows, "Interpretation authority for any procurement practice matters contained in this Manual is vested with the Director, SPPG."	
Mission	Please see below links to responses kindly provided by SPPG Director to requests from HQCPC for authoritat	
Members and Secretariat	interpretation of the Procurement Manual.	
Site Map		
Submission to HQCPC	Evaluation Teams:	
Required Documents	1. Appointment of Technical Evaluation Team - section 8.2 of the Procurement Manual	
Pre-clearance Officers		
HQCPC (& Previous PRAC) Minutes and ECPO Decisions	2. Appointment of Financial Evaluation Team - section 8 (2) of the Procurement Manual	
HQCPC Observers	3. Segregation of Duties: Same Composition of Technical and Financial Evaluation Teams - Chapter 8 in relation to	
HQCPC Procurement Statistics	section 2.6.2 of the Procurement Manual	
Authoritative Interpretation of Procurement Manual (rev. 5) by SPPG Director	4. Evaluation Teams in the case of Sole Sourcing - section 8.8.2 of the Procurement Manual	
	Long Term Agreements (LTA):	
Authoritative Interpretation of OD 21 and the ICA AI by PCPG Director	1. Establishment of a New LTA: informing SPPG of upcoming LTAs - section 6.3.3.2 of the Procurement Manual	
LCPC Membership	2. Establishment of a New LTA and Applicability of Exception Grounds - section 6.3.3.2 of the Procurement Manual	
LCPC AEMO/GPSO		
LCPC AFO	Limited Competition:	
LCPC LCO	Limited Competition with few Suppliers in the Market - section 5.6.1 (e) and (f) of the Procurement Manual	
HQCPC Archive		
LCPC APO (expired)	Pre-Selection:	
LCPC NAO (expired)	Pre-selection and Reasonableness of Costs - section 6.8.2 of the Procurement Manual	



New Procurement Manual:

Authoritative Interpretation (examples):

- UNGM registration required even when UNOPS is not issuing the contract
- Financial evaluation team must include the "procurement officer responsible for the respective procurement exercise"
- Technical evaluation team and financial evaluation team can still have same membership

Watch out for:

- Mandatory contingency in works contract of 6% to 12% unless derogation granted by Head of Construction Management
- Restrictions on weighting in RFPs
- No more points-based ITB evaluation (templates...)



Common Pitfalls in Submissions

Procurement Submissions

- Limited information on the reasons for disqualifying/rejecting bids
- Changing the evaluation criteria
- Missing analysis of the reasonableness of costs in the BER, when required (see below)
- Allowing offers to expire
- •In case of direct contracting (exception), failure to provide info on the evaluation according to section 8.8.2 of the PM*

Most common pitfall is the absence of information and clarity – the information provided makes a fast or slow review!

* Section 6.7 of old PM



Exceptions / Amendments

– Key questions:

Why this contractor and not another?

Why is no ITB/RFP being held?



Formal RFP or ITB: Evaluation (Section 8.1 of the PM)

"Upon receipt and opening of offers, the evaluation of offers must be conducted according to the evaluation criteria and method defined during the preparation of the solicitation documents and clearly established in these documents.

<u>Under no circumstances can new or revised evaluation criteria be introduced during the evaluation of offers nor can the method of evaluation be changed</u>"

Get it right in the solicitation document!



Negotiations in case of an RFP

Possibility to Negotiate Content of Offer?

Section 8.9.3.1 of PM: "...negotiations with the vendor regarding the contents of their offer can only be conducted:

- 1. if provided for in the solicitation documents, and
- 2. with the supplier presenting the winning proposal".

("<u>under no circumstances</u> shall the requirements (specifications/TOR/SOW) be changed... If the requirements are <u>materially</u> changed, the competitive process must be cancelled...")

Possibility to Negotiate Financial Proposal?

Section 8.9.3.1 of PM: "If <u>due cause</u> exists, negotiations of the financial proposal of the supplier presenting the winning proposal, i.e. the offer having received the highest number of points (technical plus financial), may be permitted"

Queries: can the SOW ever be changed? Is due cause required if negotiations are limited to content not price?



Negotiations in case of an ITB

Under section 8.9.3.2 of the Procurement Manual:

"If <u>due cause</u> exists, negotiations may be permitted <u>only</u> with the supplier presenting the <u>lowest priced</u>, <u>substantially</u> <u>compliant bid</u>. Negotiations with the other bidders are not permitted. Proper justification must be provided explaining the reason why negotiations are conducted in the particular case. Under no circumstances may negotiations take place for the sole purpose of reducing prices, as this would contravene the principle of equal and fair treatment of all suppliers."



Reasonableness of Costs

"A financial evaluation shall be undertaken in order to establish reasonableness of prices quoted in an offer in any situation where <u>only one or few offers</u> or when <u>competition has been limited</u>." (section 8.8.3 - Justification of reasonableness of price)

"the report <u>must</u> include a statement confirming price reasonableness" (section 8.10 - Recommendation)

"The funding source must indicate whether it is satisfied as to the reasonableness of price of the pre-selected supplier. If the funding source has not undertaken such analysis or cannot confirm the reasonableness of price, the PA will verify the reasonableness of price of a pre-selected supplier" (section 6.8.2 – Pre-selection)

NB 1: departures from previous version of Procurement Manual

NB 2: authoritative interpretation on these issues provided by SPPG Director



Reasonableness of Costs (continued)

- Where analysis of the reasonableness of costs is required, the evaluation report must:
 - i. analyse whether the cost is reasonable (section 8.8.3 Procurement Manual); and
 - ii. contain the clear conclusion of the evaluation team as to whether the costs are / are not reasonable
- Ensure all big ticket items are covered in the narrative
- Personnel costs: market rates for similar services are preferable to referring simply to ICA fee rates



Reasonableness of Costs (continued)

- Where analysis of the reasonableness of costs is required, HQCPC <u>cannot</u> recommend if:
 - the evaluation report concludes that the cost is not reasonable; or
 - unit rates are to be agreed later

HQ contracts & property committee (HQCPC)

Intranet > Global > HQ contracts & property committee (HQCPC) > Authoritative Interpretation of OD 21 and the ICA AI by PCPG Director

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HO	CP	98	ro	ced	ures

About HQCPC

Mission

Members and Secretariat

Site Map

Submission to HQCPC

Required Documents

Pre-clearance Officers

HQCPC (& Previous PRAC)
Minutes and ECPO Decisions

HQCPC Observers

HQCPC Procurement Statistics

Authoritative Interpretation of Procurement Manual (rev. 5) by SPPG Director

Authoritative Interpretation of OD 21 and the ICA AI by PCPG Director

LCPC Membership

LCPC AEMO/GPSO

LCPC AFO

LCPC LCO

HQCPC Archive

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Authoritative Interpretation of OD 21 and the ICA AI by PCPG Director

Section 15.5.5 (f) of OD 21 states as follows, "Director, People and Change Practice Group (PCPG) and personnel authorized by him/her:

(f) Provide clarification on the applicability or interpretation of the policies or procedures relevant to the ICAs."

Please see below links to responses kindly provided by PCPG Director to requests from HQCPC for authoritative interpretation of OD 21 and the ICA Instructions AI.

Short List

Gender Balance and Short Lists - section 3.4.3 (b) of AI/PCPG/2012/01 (rev. 2)

Assessment of Candidates

Assessment of Written Tests - section 4.1 of AI/PCPG/2012/01 (rev. 2)

Interview Panels

- 1. Third Member of Interview Panel section 4.1 of AI/PCPG/2012/01 (rev. 2)
- 2. Interview Panels and Reporting Lines section 4.1 of AI/PCPG/2012/01 (rev. 2)

Competitive Recruitment Process





New ICA Policies

Revised OD 21 and AI on ICA Instructions effective from 1 July and 1 October 2014.

- Gender balance in SL: Section 3.4.3 (b) of ICA AI
- "If both genders are represented in the long list, the short list **must** include both genders."
- Assessment of Candidates: Section 4.1 of ICA AI
- Regardless of selection method: desk review <u>and</u> interview:
 - Exception: candidate must be interviewed (section 4.2.2 of ICA AI)
- Preferably no reporting lines within assessment unit
- At least 2 members of Assessment Unit preferably at same level of job opening
- Third member recommended if at lower level than job opening need authorisation from OH/OC/Practice Director
- Gender balance in assessment unit, to the extent possible



Common Pitfalls in ICA Submissions

TOR

- Proposed contractor does not meet the TOR requirements
- The TOR are too restrictive (e.g. civil engineering degree versus architecture degree)
- ICA level not determined according to TOR requirements (points-based) (Annex 1)



Common Pitfalls in Submissions: ICAs

Competitive Process

- Setting screening criteria so less stringent than the VA requirements
- Short-list failing to include "detailed justification" as to why each candidate was shortlisted. (section 3.4.3(b))
- Not interviewing any females on the long list
- Not explaining why 1st ranking candidate is not proposed for award

Waiver/Exception

- Failing to interview a candidate being recruited under a waiver / exception (sections 4.1 and 4.2)
- Trying to renew or extend a competitive award initially made under the 100 working days/desk review regime, without holding a new competitive process (section 4.3.2)



Common Pitfalls in Submissions: ICAs

I-ICA Fee Setting

- Absence of points-based calculation of contractor's fee required under section 5.5.7or 5.1 (Knowledge System)
- Not using the most recent I-ICA fee setting tool uploaded on the HR Knowledge System (section 5.5.7 or 5.1)
- Wrong allocation of points for excess work experience under fee setting tool (new calculation required)
- Entering the wrong duty station in the fee setting tool
- Absence of PCPG Director approval of a fee which is outside the individual fee range (higher or lower)



Common Pitfalls in Submissions: ICAs

- <u>Functional Review</u>: upon reaching the maximum four years of an ICA, "<u>The Hiring Manager together with the HR focal point</u> may conduct a functional review to determine whether:
- (a) The functions are still required;
- (b) The functions should be performed by an individual contractor; and
- (c) The use of an ICA is correct in accordance with OD 21."

The functional review not signed by an HR Advisor as required under section 10.5.1 of AI/PCPG/2014/05 (rev. 3).



Common Pitfalls in Submissions

Asset disposal

Lack of information/supporting documents



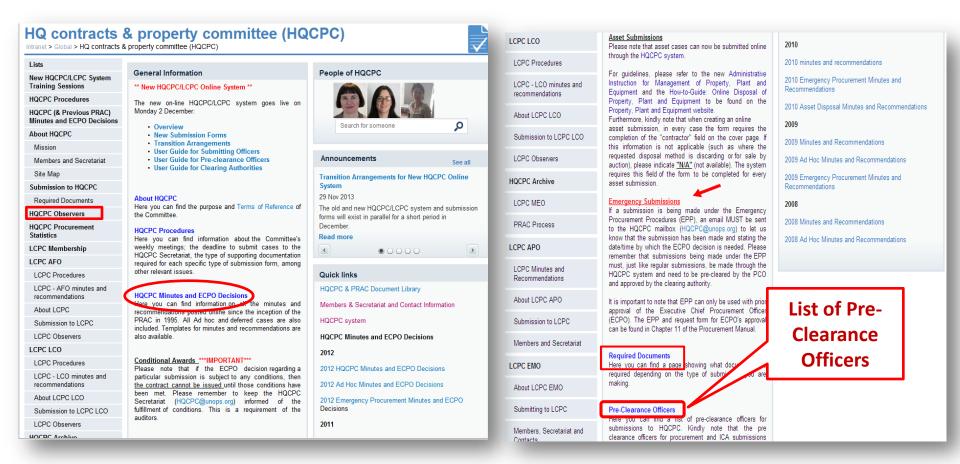
Separate sections for stolen/lost assets and donations in <u>AI/EO/2011/02</u> on Management of Assets

Write-Offs

- Absence of Certified Financial Statement from the Comptroller (section 7.4.2 (c) of OD 32)
- No Legal clearance (section 7.4.2 (b) of OD 32)
- Lack of clarity e.g. project status, source of over-expenditure, period when over-expenditure was incurred, responsibility of PM, etc.



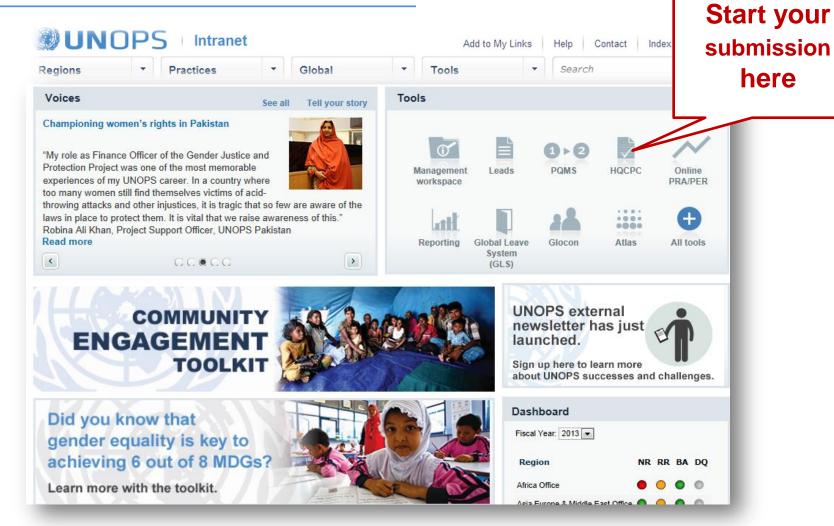
HQCPC Webpage



https://intra.unops.org/Global/HQCPC/Pages/default.aspx



HQCPC System





Some New Features

- Dynamic menu that helps you keep track of your submission
- 'Submission info box' with a summary of submission details
- It is no longer possible to create a submission in someone else's name
- Conditional award tracker
- Search function with export to Excel
- You can now choose your specific LCPC
- It will be possible for CPC Secretaries to redirect a case to another CPC without sending the submission back to draft
- Audit log
- Statistics



'My Submissions' Home Page

The same home page for everyone!



'My Submissions' start page shows the Submission ID number, Submission type, Submitting Unit, Project Title, Pre-clearance Officer, Clearing Authority and CPC for each of your submissions.



'My conditional awards'

This tab will only appear if you are a submitting officer

Draft (11)

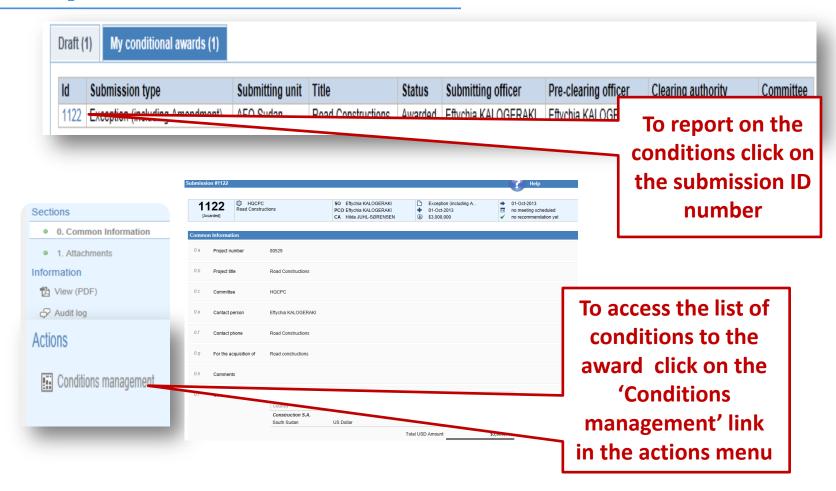
The 'My conditional awards' tab will help you keep track and report on the conditions to your ECPO or RD awards.

Click here to report on conditions

- If an ECPO or RD award is subject to any condition the 'My conditional awards' tab will appear on your 'My Submissions' page indicating that follow up is needed regarding the fulfilment of those conditions.
- By clicking on the 'My conditional awards' tab, the system will display the list of submissions that have been approved by ECPO or RD but with that approval subject to the fulfilment of a condition (s).



Update Conditions





Update Conditions

1122
[Awarded]

SO Effychia KALOGERAKI
PCO Effychia KALOGERAKI
CA Hilda JUHL-SØRENSEN

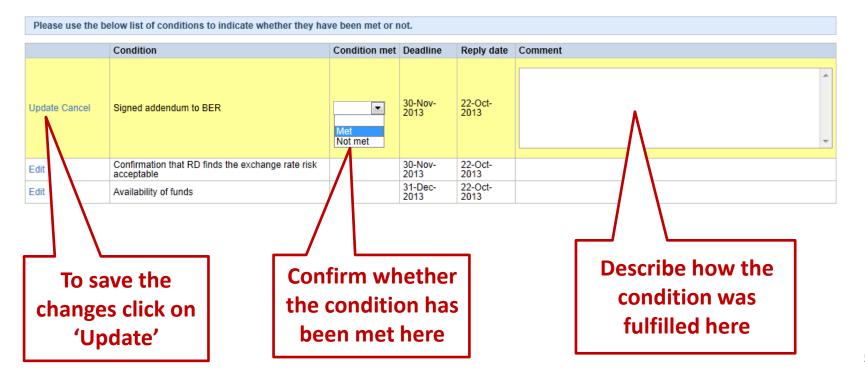
Please use the below list of conditions to indicate with the conditions the con

To update the status of the condition click on 'Edit' to the left of each condition

Condition met Deadline Reply date Comment

Edit Signed addendum to BER
Edit Confirmation that RD finds the exchange rate risk acceptable
Edit Availability of funds

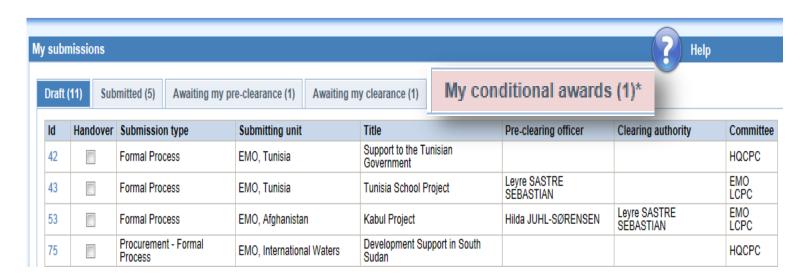
Condition met Deadline Reply date Comment
30-Nov-2013 22-Oct-2013
22-Oct-2013
22-Oct-2013





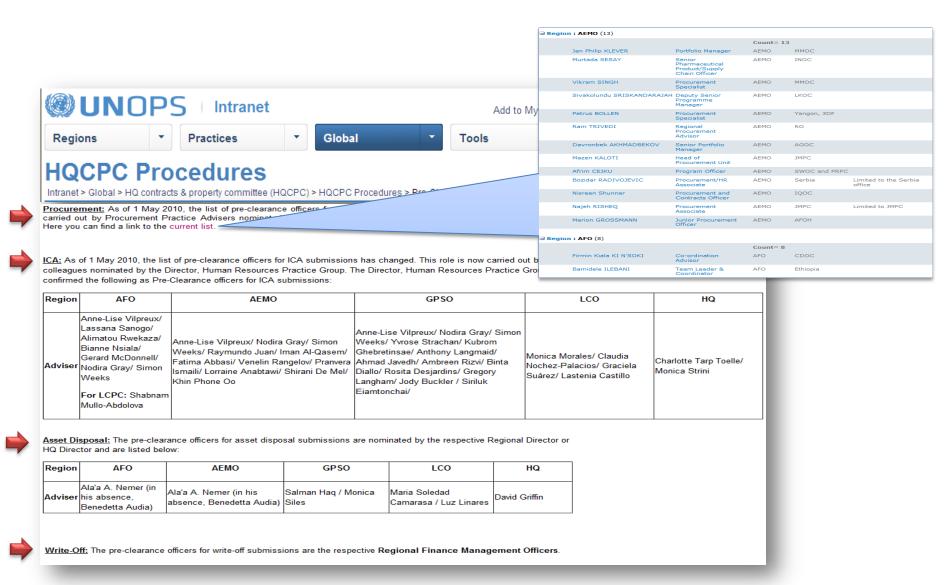
The CPC Secretariat will insert the date by which the condition is expected to be met.

If there is the possibility that the condition may be met some time in the future, please contact the CPC Secretariat so that they can enter a new date.



Once the estimated deadline has passed, the system will mark the 'My conditional awards' tab in red to remind the Submitting Officer that he/she needs to report back on the fulfilment of conditions.

Pre-Clearance Officers





HQCPC Team



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Alternate Chairs:
Kong Leong Toh (LPG)
Davronbek Akhmadbekov (AFOH)
Fernando Cotrim Barbieri (LCO)



Tell Us About

- 1) Doubts regarding HQCPC thresholds
- 2) Problems with the HQCPC Online System
- 3) Whether a contract was signed following an ECPO award (procurement cases)



HQCPC@unops.org

Any questions?



Glossary

- •HQCPC Headquarters Contracts and Property Committee
- LCPC Local Contracts and Property Committee
- •ECPO Executive Chief Procurement Officer
- •RD Regional Director
- •FRR Financial Regulations and Rules
- •PM Procurement Manual (in this presentation)
- •OD Organizational Directive
- •AI Administrative Instruction
- •ICA Individual Contractor Agreement
- •IICA International Individual Contractor
- LICA Local Individual Contractor
- •LTA Long Term Agreement
- •DOA Delegation of Authority
- •PCO Pre-Clearance Officer
- •CA Clearing Authority
- •BER Bid Evaluation Report
- •PER Performance Evaluation Report
- •SL Short List
- •TOR Terms of Reference