

**SUBJECT:** The Balance Between Streamlining and Documentation of Source Selections

**PURPOSE:** To emphasize the need for appropriate documentation of procurement files within the context of acquisition streamlining.

**FACTS:**

Documentation of decisions and determinations during the acquisition process is necessary to satisfy legal requirements. It also helps the decision maker clarify his own thinking, and facilitates defense of the procurement against challenge by unsuccessful offerors.

Unquestionably, documentation of procurement decisions takes time, effort and thought.

Litigating procurement decisions takes substantially more time, effort and thought than contemporaneous documentation.

Most bid protest litigation involves, in one way or another, a failure to properly document the file.

The Federal Acquisition Regulation (FAR) contains directions that certain decisions be in writing. Sometimes it specifies the form of the required document (a Justification & Approval, or a Determination & Findings).

The FAR frequently specifies that a contracting officer make a determination, without an express direction that these determinations be in writing. Proper documentation practice is that these determinations be reduced to writing.

The General Accounting Office has a generalized standard, that "...procuring agencies have a fundamental obligation to adequately document their source selection decisions so that a reviewing forum can determine whether those actions were proper." Comdisco, Inc., B-277340, Oct. 1, 1997. This standard is implemented on a case by case basis. Your acquisition could be the one that gets "bombed."

Proper documentation, in the long run, is the best way to streamline your acquisition.

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