

Are You Ready for Your CPSR?—Seven Areas for Focus

Spring 2014

As noted in “Don't Be Fooled by Fakes: Five Issues to Address in Complying with DOD's New Counterfeit Electronic Parts Rule,” the U.S. Department of Defense's (DOD) final rule on counterfeit electronic parts increases the reach of contractor purchasing system reviews (CPSRs). Wiley Rein has significant experience with counseling and representing contractors subject to CPSRs and how DCMA assesses contractors' compliance with the criteria specified in DFARS 252.244-7001 for an adequate purchasing system.

Based on that experience, we have identified several common findings that all contractors can proactively address to reduce the likelihood of these findings and therefore maximize their positioning for a successful CPSR:

- Failure to obtain required certifications at time of award (*e.g.*, the Truthful Cost or Pricing Data Act (formerly TINA), CAS, suspension/debarment, limitation on use of appropriated funds)
- Inadequate FAR/DFARS flow-downs
- Inadequate representations and certifications package
- Failure to adequately conduct and document commercial item determinations
- Written policies and procedures do not adequately address an applicable FAR or DFARS requirement (*e.g.* policies do not exist for certain requirements or are poorly written)
- Failure to adhere to a particular requirement, notwithstanding the contractor's policies and procedures

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- Inadequate analysis and documentation supporting a procurement decision (particularly related to price analysis and source selection)

Whether your organization has just received a notice of a forthcoming CPSR or has just received the Government's findings after the CPSR field audit, we have the experience and resources to assist.