ANNEX

Technical Support to Negotiations

Engineering and Analysis Technical Directorate

OPR: DCMA-EA DCMA-TD

DCMA-ANX 213-01

April 3, 2013

Change 2, February 21, 2017

SUMMARY OF CHANGES: This change implements updates necessary to the Technical Support to Negotiations (TSN) procedures; addresses policy gaps identified during Mission Review Team reviews; and provides direction on tracking TSN requests, retaining documents, and reviewing and approving TSN reports.

1. PURPOSE. This Annex:
   
   a. Supplements DCMA Instruction (DCMA-INST) 213, “Technical Pricing Support” (Reference (a)).
   
   b. Provides direction for performing Technical Support to Negotiations (TSN) activities with References (a) through (i).
   
   c. Is established in compliance with DoD Directive 5105.64 (Reference (b)).

2. APPLICABILITY. This Annex applies to all DCMA activities unless higher-level regulations, policy, guidance, or agreements take precedence (e.g., DCMA International and Special Programs activities).

3. MANAGERS’ INTERNAL CONTROL PROGRAM. In accordance with DCMA-Instruction 710, “Managers’ Internal Control Program” (Reference (c)), this Annex is subject to evaluation and testing. The process flowchart and key control table are located at Appendix A on this policies resource page.

4. RELEASABILITY – UNLIMITED. This Annex is approved for public release.

5. PLAS CODE. 041 – Pricing and Negotiation

6. LABOR CODES. Located on resource page.

6. POLICY RESOURCE WEB PAGE. https://home.dcma.mil/policy/213_01r

7. EFFECTIVE DATE. By order of the Director, DCMA, this Change is effective upon release. CMOs must be policy compliant 30 days after policy release.

NOTE: The Director approved this issuance on February 21, 2017, with direction to incorporate her comments prior to release. The effective release date is June 6, 2017.
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(c) DCMA-INST 710, “Managers’ Internal Control Program,” September 12, 2012
(d) DCMA-INST 120, “Pricing and Negotiation – Contracts,” July 31, 2012–April 1, 2014, as amended
(e) Federal Acquisition Regulation (FAR) 15-404, “Proposal Analysis”
(g) Contract Pricing Reference Guide (CPRG) (Reference maintained by the Office of the Deputy Director of Defense Procurement and Acquisition Policy for Cost, Pricing and Finance)
(h) DFARS 215.404, “Proposal Analysis”
(i) FAR 3.104-4, “Disclosure, Protection and Marking of Contractor Bid or Proposal Information and Source Selection Information”
(m) DCMA-INST 629, “DAWIA Training Management,” March 7, 2012, as amended
(n) DCMA-INST 1206, “First Level Supervisor Review,” July 24, 2015
CHAPTER 1

OVERVIEW

1.1. OVERVIEW. This Annex is supplemental guidance to the supplements DCMA-INST 213, "Technical Pricing Support Instruction" (Reference (a)) in the area of Technical Support to Negotiations (TSN) and Commercial Item Determination (CID) recommendations. CID recommendation requests must be processed using the same coordination process as TSN requests (the TSN coordinator receives, logs, assigns and tracks CID recommendation requests the same as TSN requests). The intent of TSN is to:

1.1.1. Provide quality and timely technical pricing support (TPS) to the DoD, other Federal agencies and departments, and activities within DCMA in order to negotiate fair and reasonable contract prices.

1.1.2. Promptly acknowledge receipt of TSN requests.

1.1.3. Promptly conduct a preliminary review of the proposal, the requirements documents, and the detailed TSN request to determine completeness with pertinent supporting data that justifies the contractor’s proposed effort. Notify the coordinating pricing team lead (the pricing team lead is the cost/price analyst that is leading the proposal evaluation efforts) requestor, who may be the administrative contracting officer, price/cost analyst, contract specialist, cost monitor, procuring contract officer, or Defense Contract Audit Agency, if the proposal package is incomplete. NOTE: Assumption is that all technical requests for pricing support will pass through pricing, even technical only requests from outside agencies.

1.1.4. Complete TSN analysis and provide report to the requestor in order to minimize delay to procurement actions.

1.1.5. Support follow-on questions and negotiations as requested.

1.2. PROTECTING CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION (CUI). Protecting information is critical and integral when conducting the processes associated with this Annex. DCMA personnel are responsible for protecting classified and controlled unclassified information (CUI) entrusted to them. DCMA personnel must take prudent steps to ensure final disposition of classified and CUI per DCMA and DoD policy. These procedures vary based on the type, access, and nature of the material involved. Refer to the DCMA-INST 552, “Information Security Program” (Reference (j)), for guidance in the control, transmission, destruction, and storage of such material.

1.3. DELEGATION OF RESPONSIBILITIES. The individuals holding the positions listed in Chapter 2 of this Annex may delegate their responsibilities unless expressly prohibited by this Annex, another DCMA Instruction, higher-level guidance, regulations, law, or statute. The
individual delegated the responsibility does not have the authority to further delegate the responsibility.
CHAPTER 2

RESPONSIBILITIES

2.1. CONTRACT MANAGEMENT OFFICE (CMO) COMMANDER/DIRECTOR. The CMO commander/director shall ensure compliance with this Annex.

2.2. CMO ENGINEERING AND ANALYSIS (E&A) DIRECTOR/TECHNICAL LEAD (INTEGRATED COST ANALYSIS TEAM (ICAT) DIRECTOR AT ICAT CMOs). The CMO E&A Director/Technical Lead (ICAT Director) shall designate a single TSN coordinator to manage all TSN requests. For CMOs with multiple programs that do not overlap use of resources, it is acceptable to assign a coordinator for each program.

2.2. CONTRACT MANAGEMENT OFFICE (CMO) ENGINEERING AND MANUFACTURING GROUP CHIEF (EMGC) OR INTEGRATED COST ANALYSIS TEAM (ICAT) DIRECTOR (at ICAT locations). The EMGC or ICAT Director must:

2.2.1. Monitor quality and accuracy of data and products delivered.

2.2.2. Manage resources (e.g., technical personnel, workload) to meet critical functional taskings.

2.2.3. Designate a TSN coordinator to manage TSN requests (the same coordinator is responsible for CID requests).

2.2.4. Maintain visibility of all technical pricing requests and trends. Establish and maintain a process for minimizing turnaround times for technical pricing reports to include the approach for identification and disposition of any systemic issues.

2.2.5. (EMGC only) Manage workforce development of CMO engineering and technical staff, ensure that authors and reviewers of technical pricing reports are working toward and attain Defense Acquisition Workforce Improvement Act (DAWIA) certification at the appropriate level in accordance with DCMA-INST 629 (Reference (p)), and the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics Workforce Desk Guide (technical specialists providing matrix type support to the engineering organization, must have this function performed by their supervisor of record). ICAT Directors, have additional supervisory responsibilities as defined in paragraphs 2.5.6. and 2.5.7.

2.3. TSN COORDINATOR. The TSN coordinator shall be responsible for, and must not delegate the following (NOTE: work performed by personnel assigned “acting” positions, or higher level supervision, is not considered delegation):

2.3.1. Acknowledge TSN and CID recommendation requests, via alternate methods, such as email (or the cognizant CMO’s approved method, if applicable) until a new P&N eTool is released or another system of document control is provided.
2.3.2. Identify necessary functional support for the completion of the TSN requests, coordinate support with appropriate supervisors, and convey the deadline requirements to the technical team.

2.3.3. In the event the deadline is not feasible, recommend and negotiate a new suspense date with the pricing team lead requestor.

2.3.4. Ensure the appropriate supervisor/lead reviews and approves all technical reports. Approval shall must be completed prior to release of analysis to external customers (either as a TSN report or as supporting data in a full pricing case, etc.).

2.3.5. Submit the approved report to the requestor.

2.3.6. Document completion of TSN report via alternate methods, such as email (or the cognizant CMO’s approved method, if applicable) until a new P&N eTool is released or another system of document control is provided. Log and track all TSN and CID cases utilizing direction provided on the DCMA-INST 213 policy resource page.

2.4. TECHNICAL SPECIALIST. The technical specialist (e.g., engineer, industrial specialist, quality assurance representative) shall must:

2.4.1. Review proposal package for completeness per DCMA-INST 120, “Pricing and Negotiation – Contracts” (Reference (d)), to include, as applicable:

- A copy of the Request for Proposal (RFP)
- Statement of Work/Statement of Objectives (SOW/SOO)
- Work Breakdown Structure (WBS)

2.4.2. Determine that the technical scope of the proposal is in agreement with, and complies with, the terms and conditions of the requirements as defined in the SOW/SOO.

2.4.3. Complete analysis for the areas/line items as detailed in the TSN or CID recommendation request. Coordinate with all functional areas as applicable (e.g., software, engineering, manufacturing and quality) to obtain technical inputs to sufficiently respond to the request. Inputs from all technical disciplines must be consolidated into one comprehensive and cohesive report, ensuring consistency of recommendations between the technical areas, and that no conflicting information is provided in the report.

2.4.4. Maintain work papers TSN requests, reports, and working documents supporting the analysis in accordance with the direction provided on the DCMA-INST 213, policy resource page.

2.4.5. Prepare and sign a well-documented TSN report that incorporates the analysis and technical recommendations in the TSN report. Signature must be physical or electronic.
2.4.6. **Provide** Submit the signed final report to the TSN Coordinator. At CMOs where the TSN Coordinator is not the technical supervisor or technical lead, the technical specialist must secure technical supervisor or technical lead review, approval, and signature, prior to submitting the report to the TSN coordinator.

2.4.7. Verify requests (internal and external) have been routed through the TSN Coordinator.

2.5. **TECHNICAL SUPERVISOR OR TECHNICAL LEAD.** The technical supervisor or technical lead is responsible for, and must not delegate the following (NOTE: work performed by personnel assigned “acting” positions, or higher level supervision, is not considered delegation):

2.5.1. Manage resources for pricing support (for technical supervisor only).

2.5.2. Manage the quality control of all technical pricing products.

2.5.3. Assign technical specialists to cases in coordination with the TSN Coordinator.

2.5.4. Review, approve, and sign (physically or electronically) the final report.

2.5.5. Ensure that the technical specialist maintains records of Requests for Information (RFIs), contractor data, analysis data, and ensures that the records maintained are readable, retrievable, and accessible.

2.5.6. (Technical Supervisor Only) Ensure that all engineers and technical staff supporting technical pricing activities are DAWIA certified in their primary career field (Level II minimum) within 24 months of assignment to the agency. Ensure TPS education requirements, based on assigned Learning Maps in the Talent Management System (TMS), and any other assigned training requirements have been fulfilled, or that a satisfactory schedule for completion is in place.

2.5.7. (Technical Supervisor Only) Ensure that DCMA-INST 1206, “First Level Supervisor Review,” (Reference (n)) and the FLSR eTool (or an approved alternate) is used to schedule, conduct, and document reviews on assigned functional specialists. Supervisors must track, plan, execute and monitor employee development (technical specialists providing matrix type support to the engineering organization, must have this function performed by their supervisor of record). Specifically, but not exclusively:

a. Verify that the individual has received policy specific functional training, DAWIA (category and level) certified (or on track).

b. Determine competency and identify competency gaps based on assigned Learning Maps in the TMS, and any other assigned training requirements.
CHAPTER 3
PROCEDURES

3.1. RECEIVE AND COORDINATE TECHNICAL SUPPORT TO NEGOTIATIONS (TSN) REQUESTS. TSN requests should be received via alternate methods, such as email (or the cognizant CMO’s approved method, if applicable) until a new P&N eTool is released or another system of document control is provided. The TSN coordinator shall must promptly acknowledge requests. The request should be detailed and precisely identify what aspects of the proposal need to be evaluated. The TSN coordinator shall must track all TSN and CID cases utilizing the direction provided on the DCMA-INST 213 policy resource page (see paragraph 2.3.6 of this Annex), and acknowledge and close all requests for technical support via written correspondence. Types of technical support requests include the evaluation of Contractor Cost Proposals, Engineering Change Proposals, Value Engineering Change Proposals and Commercial Item Determination Recommendations, along with other technical requirements. All requests (including TSN only requests) must be coordinated through the TSN Coordinator. TSN Only requests do not require Pricing Case Numbers to be assigned by pricing. Process flowcharts and key control tables are posted on resource page of this Annex.

3.1.1. The scope of the request shall must be reviewed by the TSN coordinator. The TSN coordinator shall must identify all functional areas necessary to complete the analysis and coordinate support with the appropriate leads/supervisors. Clearly specify the due date necessary to accommodate a supervisory/lead review and approval of the final report within the overall schedule.

3.1.2. If resources are not available, or the review cannot be completed as requested due to resource constraints, a mutually agreed upon date may be negotiated with the pricing team lead requestor.

3.2. PERFORM DOCUMENTATION CHECK FOR ADEQUACY AND COMPLETENESS.

3.2.1. The appropriate supporting documentation should accompany the TSN request e.g., proposal, RFP, SOW/SSO, WBS per DCMA-INST 120, paragraph 3.3.2.4 3.3.2. (Reference (d)). If pertinent documentation is missing, the technical specialist should request them from the pricing team lead requestor.

3.2.2. The technical specialist shall must perform a review of the contractor data provided to support the rationale and estimates within the proposal per FAR 15.404-2 (Reference (e)). This review should allow for adequate time to request additional details from the contractor. Per local guidance, the technical specialist may request needed data either during a fact-finding session with the contractor or via a Request for Information (RFI) submittal.

3.2.2.1. When fact-finding sessions are used, they should be coordinated with the pricing team lead requestor. Other proposal evaluation team members should be invited, as appropriate. Following the meeting, ensure that any pertinent information provided by the
contractor is documented in a memorandum for record or similar means. The conclusions should also be sent to the contractor representative to make sure there are no disagreements relative to what information was provided and/or to document what additional information needs to be provided.

3.2.2.2. When RFI requests are used, local guidance should dictate the appropriate method/format for doing so. All RFI requests to the contractor should also be copied to the pricing team lead requestor for their awareness.

3.2.3. It is highly encouraged, particularly for complex proposals, that a proposal walk through be requested from the contractor. This review should be coordinated through the pricing team lead requestor and all proposal review team members should be invited to participate.

3.3. CONDUCT TECHNICAL PROPOSAL ANALYSIS.

3.3.1. The objective of technical proposal analysis is to determine the need for, and reasonableness of, resources (materials, labor and other direct costs (ODC)) to complete the contract requirements.

3.3.2. Technical analysis of proposals is described in FAR 15.404-1(e) (Reference (e)). If, during evaluation of a proposal, any significant estimating system deficiencies are identified, the TSN report shall must describe the deficiencies in sufficient detail in accordance with DFARS 215.407-5-70(d)(1) (Reference (f)).

3.3.3. Proposal analysis shall must be consistent with the detailed request and all requested areas shall must be addressed in the analysis and subsequent report. Analysis and recommendations should be based on facts and quantitative data except in rare circumstances such as when cutting edge technology or other factors are involved. “Engineering judgment” is not generally valid rationale by either the contractor or the technical analyst for the purpose of supporting a position. No requirement exists to complete a 100 percent analysis on all proposed data. When large volumes of data exists, such as a large Bill of Materials, it is up to the discretion of the technical specialist to conduct sampling or other means to develop the government recommended positions. Statistical sampling or stratified sampling are two options and information on sampling is available in Volume 2, chapter 3 of the Contract Pricing Reference Guide (CPRG), Using Statistical Analysis (Reference (g)). Sampling size should be adequate to allow for valid justification and defense of recommendations.

3.3.4. Perform Technical Analysis of Proposed Direct Materials. Evaluation of direct materials can be a very extensive effort; however, there are some key points to consider. Verify the kinds/types of materials. The part numbers proposed should match the part numbers on the engineering drawing and other supporting documentation. The quantity of materials required should match the proposed materials and the supporting documents. Verify that the materials meet (but do not exceed) the requirements as established by the RFP and any other requirements documents. As with all aspects of the proposal, verify that there is no duplication of materials. There may be a factor for yield (allowable). Volume 3, chapter 6 of
the CPRG, Analyzing Direct Material Costs (Reference (g)), provides information on direct material cost analysis.

3.3.5. **Perform Technical Analysis of Proposed Direct Labor.** A Basis of Estimate should be provided by the contractor to substantiate each line item of direct labor in the proposal. Ensure that the appropriate levels of labor are proposed. For example, hours proposed by a senior engineer to perform a task that a lower level classification engineer could perform would incur an unnecessarily higher labor rate. Always ensure that the periods of performance are consistent and correct. Identify and eliminate any redundancy in tasks being proposed. Check for duplication of tasks by more than one person. Volume 3, chapter 7 of the CPRG, Analyzing Direct Labor Costs (Reference (g)), provides information on direct labor analysis. Improvement curves or factors proposed should be in agreement with the specialist’s analysis. Volume 2, chapter 7 of the CPRG, Improvement Curves (Reference (g)), provides information on improvement curve analysis. Complexity and other factors should be explained within the proposal and supporting documentation. Factors cited should not be accepted by the analyst without valid justification.

3.3.6. **Perform Technical Analysis of Proposed ODCs.** ODCs are those identified specifically with a particular final cost objective other than direct labor and direct materials and may include such costs as travel, special tooling and test equipment, computer services, etc. Volume 3, chapter 8 of the CPRG, Analyzing Other Direct Costs (Reference (g)), provides information on ODC analysis. Evaluation of travel is typically the primary focus on ODCs. When evaluating travel, the technical specialist should review the number of trips proposed, the locations, and whether the appropriate personnel are involved. Electronic forums such as Video Teleconferences and telecoms should be considered as alternatives, when applicable, in the recommendations.

3.3.7. **Evaluation of Cost Estimating Relationships (CER).** During the technical analysis, the proposal may cite CERs. The technical specialist shall ensure that all CERs cited in the proposal have been evaluated previously and that DCMA is in agreement with the contractor’s method of developing the CERs. Local policy and guidance shall determine tracking of the CERs. The specialist shall evaluate the appropriateness of the use of the CER in the proposal being reviewed. In addition, the CER should be relatively current with the evaluation having been completed within the past two to three years as a rule of thumb, depending on program changes and validity of data previously used. There is no mandatory expiration date on such evaluation. The specialist should use sound judgment in this determination and take into consideration the age of the data used for the evaluation and whether any significant program changes have occurred which may invalidate the CER methodology. Volume 2, chapter 4 of the CPRG, Developing and Using Cost Estimating Relationships (Reference (g)), provides information on CERs. When the CERs have not been previously reviewed and agreed upon by DCMA, the specialist shall treat the CER as if it were being proposed discretely and all accompanying support documentation must be provided by the contractor and analyzed.

3.3.8. **Profit Determination.** Assist with determination of an appropriate profit rate through the weighted guidelines method or alternate structured approach in accordance with
3.3.9. Scope of Proposed Effort. During analysis of the proposed effort, the technical specialist shall ensure that all requirements are met and that no additional scope beyond that should be included in the proposal. If scope differs from requirements and the technical specialist is unable to resolve the discrepancy, document the issue in the final report. If significant, notify the pricing team lead requestor as soon as possible and request direction on how to proceed.

3.4. PREPARE TSN REPORT.

3.4.1. The technical specialist shall prepare a well-documented TSN report incorporating the findings and recommendations of all proposal areas requested, to include recommendations and supporting analysis from all necessary functional areas (e.g., engineering, manufacturing, quality, and software) as required by the request.

3.4.1.1. The technical specialist shall follow the local CMO Standard Operating Procedure for TSN report formatting when one exists, until such time that a standard TSN template is posted to the resource page of this Annex. In all instances, the report shall be standalone by reiterating the proposed information, followed by the specialist’s recommended government position and the basis of analysis leading to that position. When stating the supporting analysis, keep in mind that the audience using the report is likely non-technical. The detailed work papers may be in any format and shall be retained in the official file.

3.4.1.2. The appropriate technical supervisor/lead shall review, approve, and sign the TSN report prior to release to the customer. All reports must be signed by the technical specialist and reviewed, approved, and signed (physically or electronically) by the technical team supervisor or technical lead. Review, approval, and signature of the supervisor/lead signifies that the report’s contents meet all of this policy’s requirements and all the requirements of the technical pricing support request. The following statement must accompany the supervisor’s signature on each TPS report:

"By signing this report, I agree that the report's contents reflect sound technical judgment and satisfy all Technical Pricing Support policy requirements and all requirements of the technical pricing support request".

If the technical team supervisor, technical lead, or a higher-level individual prepares the report, the technical-analysis case file review and the second signature on the TSN report must be at least one level above the preparer. Review and approval may be coordinated by the TSN coordinator. NOTE: For internal purposes, to facilitate schedule, the report can be unofficially provided to the pricing team lead requestor for incorporation in the cost and
pricing analysis report. The cost/price analyst should not release the pricing report to the customer prior to review and approval of the TSN report.

3.4.1.3. If the initial due date is revised or the report is submitted after the due date, the individual responsible for the report shall must document the reasons for revising or missing the due date in the official file.

3.4.2. All technical reports and other pricing relevant documents containing Government or contractor proprietary data, shall must be properly marked and/or protected as required by law and regulation. When disclosure to the public of a particular record, or portion thereof, would reasonably be expected to cause a foreseeable harm to an interest protected by one or more provisions of the Freedom of Information Act (FOIA), a protective marking “For Official Use Only” or at a higher security level if mandated by the contract or solicitation should be applied to such record. Such protective marking should be applied to the title page, the first page, the outside of the back cover (if there is one) and each internal page of the pertinent documents and material, including information in electronic form. Add “Source Selection Information,” if applicable, per FAR 3.104-4 (Reference (i)) and see DCMA-INST 552 (Reference (j)) for additional instruction.

3.4.3. The TSN report and any supporting documentation shall must be sent to the pricing team lead requester. Feedback on the adequacy and value of the report should be requested. If sending the TSN report completes the TPS case, the case shall must be annotated as closed by the TSN coordinator in the cognizant CMO’s approved method for documenting cases until a new P&N eTool is released or another system of document control is provided TPS tracking system (reference paragraph 2.3.6.).

3.5. PROVIDE NEGOTIATION SUPPORT. When requested, the technical specialist shall must support negotiations as necessary. Such requests may be from within DCMA or may be from an external contracting officer within the program office, etc. Ad hoc support may be requested of the technical specialist who completed the analysis of the area needing support; such as further explanations. Time consuming or more extensive negotiation support requests that would impact workload should be routed in the same manner as a TSN request, via alternate methods, such as email (or the cognizant CMO’s approved method, if applicable) for documenting cases until a new P&N eTool is released or another system of document control is provided.

3.6. PROVIDE CID RECOMMENDATION SUPPORT. When requested, the TSN Coordinator will coordinate requests for CID Recommendations and commercial price reasonableness assessments, as required. When assigned, the technical specialist must perform a documentation check for adequacy and completeness, conduct and provide CID analysis, and prepare a well-documented recommendation with supporting data in a formal report. The technical specialist must coordinate, as necessary, to obtain missing information. When requested, the technical specialist must support negotiations as necessary. Further guidance on CID is available on the DCMA-INST 213 resource page. Additional guidance and instruction will be uploaded to the resource page as it becomes available.
3.7. ENGINEERING RECORDS MAINTENANCE. The technical specialist must maintain records of all TPS requests, reports, and working documents in accordance with direction provided on the DCMA-INST 213 resource page. Related documents are, DCMA Memorandum #13-202, “EDW Document Clean-up and ‘Old’ Documents Purge” (Reference (k)), and DCMA Memorandum #15-057, “Integrated Workload Management System (IWMS) Agency Deployment” (Reference (l)).
APPENDIX A

TSN PROCESS FLOWCHART

(Moved to resource page)
# ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CER</td>
<td>Cost Estimating Relationship</td>
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<td>CID</td>
<td>Commercial Item Determination</td>
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<td>CMO</td>
<td>Contract Management Office</td>
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<td>CPRG</td>
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<td>DFARS</td>
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<td>E&amp;A</td>
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<td>ICAT</td>
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<td>PLAS</td>
<td>Performance Labor Accounting System</td>
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<td>RFI</td>
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<td>RFP</td>
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<td>SOO</td>
<td>Statement of Objectives</td>
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<td>SOW</td>
<td>Statement of Work</td>
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<td>TMS</td>
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