



Acquisition Conflict Resolution Process



Acquisition Conflict Resolution (ACR) Process

NTESS encourages open, honest communication between suppliers, Subcontractors, and the Subcontracting Professional (SP) in resolving a concern. It is always best to resolve issues in an open atmosphere between the suppliers, Subcontractors, and SPs without escalating the problem. The goal is to ensure timely resolution of the problem without undue expense to either parties involved.

It is the intent of NTESS to resolve supplier and Subcontractor concerns through a Conflict Resolution Process, that is timely, includes several options, is easy to use, and provides satisfactory results to the supplier, Subcontractor, and NTESS.



Primary Discussion Escalation Steps

1. Discussions with the SP, who will work with the Subcontractor to resolve the concern/issue
2. Discussions including the SP's manager - The Procurement Department Manager has the responsibility and accountability to resolve the problem at the lowest level possible; most issues can be resolved at this stage.
3. Discussions including the Procurement Senior Manager if the concern/issue remains unresolved
4. Discussions including the Integrated Supply Chain Management Center Director if the concern/issue continues to remain unresolved

Note: The Integrated Supply Chain Management Center Director will escalate to higher levels of management, and/or Legal, if it is determined that the Primary Discussion Escalation Process has not resolved the issue.

Small Business Subcontractor and/or SP may contact the Small Business Program Manager at any time for assistance, if applicable.



Situations where the Primary Discussion Process can work

- Subcontractor and SP are not communicating effectively; either or both has concerns with being disrespected or unheard
- Solicitation or subcontract process issues or complaints
- Debriefing process issues, complaints or communications breakdowns
- Misunderstandings between Subcontractors and Sandia Delegated Representatives or SPs during subcontract period
- Assumptions, miscommunications, misinterpretations of policy or subcontract terms, unmet expectations or conflicting business interests
- Concerns about impacts to reputations of either NTESS or Subcontractor
- A request by NTESS for an adjustment in the price of a subcontract awarded as a result of defective cost and pricing data furnished to NTESS by the Subcontractor
- A claim by the Subcontractor to recover costs incurred or work performed under the subcontract, or incurred as a result of NTESS' nonperformance of the subcontract, for which NTESS is contractually responsible under the terms and conditions of the subcontract and applicable law
- A claim by NTESS to recover amounts paid to the Subcontractor to which the Subcontractor was not entitled under the terms of the subcontract or applicable law

Written Complaints Regarding Allegations of Improper Procurement Action



The Subcontractor must notify in writing the Integrated Supply Chain Management Center Director, listing specific concerns within the time frames below, in order to be considered:

1. Alleged improprieties in a solicitation: Subcontractor concerns based on alleged improprieties in a solicitation must be filed before the closing date for receipt of proposals.
2. Concerns regarding the award of a subcontract: A Subcontractor concern is considered timely if the concern is submitted within ten (10) calendar days after subcontract award, or within five (5) calendar days after a debriefing date offered to the Subcontractor filing the concern.
3. Other concerns on a subcontract: The Subcontractor concern is considered timely if filed within ten (10) days after the situation that caused the concern occurred.

Discussions with the Subcontractor will be conducted and completed whenever practical within one business week of receipt of a concern.

A written Memorandum of Record will be sent to the Subcontractor, the Procurement Department Manager, the Procurement Senior Manager, the Integrated Supply Chain Management Center Director and the Small Business Program Manager. If a Subcontractor decides to withdraw its concern, the SP shall obtain written confirmation of withdrawal.