Template Purpose Statement for External Comment

DRAFT RECLAMATION MANUAL RELEASE
Comments on this draft release must be submitted to rmoulton@usbr.gov by 6/30/2022.

Background and Purpose of the Following Draft Policy

The goal of preparing this revised Policy document and providing stakeholders with the opportunity to comment on it in draft form is to enhance common understanding of how the Acquisition Management Review (AMR) program is administered and to enhance working relationships with our project partners. This will make the program more responsive to project sponsors, and more consistent Reclamation-wide and thus more effective.

This is a major revision to RM Policy ACM-P01, Acquisition Roles and Responsibilities and Acquisition Management Reviews. The Acquisition Policy Branch, within the Acquisition Assistance Management Division (AAMD), Mission Support Organization, reviewed the prior policy and made major revisions based on procedural updates incorporated in FY22. All AAMD stakeholders were consulted and provided consensus recommendations for the major revisions.

The Reclamation Manual is used to clarify program responsibility and authority and to document internal Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory.

See the following pages for the draft Policy.
Subject: Acquisition Roles and Responsibilities and Acquisition Management Reviews (AMR)

Purpose: To state responsibilities and limitations of contracting officers and program personnel and describe purpose and requirements of the Bureau of Reclamation’s AMRs. The benefits intended to be realized are to ensure the integrity of the acquisition process.


Approving Official: Commissioner

Contact: Mission Support Organization (84-27000)

1. **Introduction.** A contracting officer possesses specific warranted authority to enter into and administer contracts on behalf of Reclamation. In addition, program personnel retain certain roles, responsibilities, and limitations to assist the contracting officers in a technical capacity during contract award and performance. Program personnel may include (but are not limited to) contracting officer's representatives and interagency acquisition technical representatives.

   A. **Federal Acquisition Certification in Contracting.** As established in Reclamation Manual (RM) Delegations of Authority (Delegations), Paragraph 4.A.(1)(b)(iii), Reclamation's Head of the Contracting Activity and Manager, Acquisition Assistance Management Division (84-27800) has the authority to recommend Federal Acquisition Certification in Contracting for Department of the Interior (Department) approval and issuance.

   B. **Contracting Officer’s Certificate of Appointment (COA).** A contracting officer must possess a COA, also referred to as a warrant, to enter into and administer contracts under the authority of the Federal Acquisition Regulations (FAR). Contracting officers must have a Federal Acquisition Certification in Contracting level equivalent to the COA they hold and be individuals who demonstrate the knowledge, skills, and abilities to successfully enter into and administer contracts that are legally sound, and that comply with applicable laws, regulations, and policies.

   C. **COA Delegation.** As established in RM Delegations, Paragraph 4.A.(1)(b)(i), contracting officers are appointed in writing by the Head of the Contracting Activity. COAs give contracting officers authority to enter into and administer FAR contracts and interagency acquisitions, subject to any limitations in the scope of their authority. COA appointments are made to a designated contracting
D. **Program and Project Managers.** As established in RM Delegations, Paragraph 4.A.(1)(b)(iii), the Head of the Contracting Activity has the authority to recommend Federal Acquisition Certification for program and project manager certifications for Department approval and issuance.

E. **Contracting Officer’s Representative.** As established in RM Delegations, Paragraph 4.A.(1)(b)(iv), the Head of the Contracting Activity has the authority to approve and issue Federal Acquisition Certification for contracting officer’s representative certifications.

F. **Program Personnel.** Contracting officer’s representatives, program, and project managers, as well as other program personnel do not have the authority to formally or informally perform, authorize, or direct anything that changes the terms and conditions of the contract, including time and money, such as --

1. Award, agree to, or execute any contract, contract modification, or notice of intent.
2. Obligate funds on contract or make payment on behalf of the Government (Note: For micro-purchase requirements, only program personnel with a Government purchase card may place orders/obligate funds on behalf of the Government).
3. Conduct negotiations with the contractor.
4. Make a final decision on any contract matter which is subject to the FAR contract Disputes clause (FAR 52.233-1). In general, this clause covers the process and requirements for any claims by the contractor against the Government (or vice versa) seeking the payment of money, the adjustment or interpretation of contract terms, or other relief arising under or relating to the contract.
5. Terminate, for any cause, the contractor's right to proceed.
6. Order acceleration of work.

G. **AMR.** The purpose of AMRs is to ensure that:

1. Reclamation acquisition programs are achieving their intended results.
2. Resource use is consistent with Reclamation's mission.
3. Resources are protected from waste, fraud, and mismanagement.
4. Laws and regulations are followed.
5. Reliable and timely acquisition management information is maintained, reported, and used for decision-making.
2. **Applicability.** This Policy applies to contracting officers, contracting officer’s representatives, and program personnel.

3. **Policy.** To fulfill Reclamation’s mission, Reclamation’s acquisition staff will work in collaboration with contracting officer’s representatives, program and project managers, and other program personnel as one Reclamation team. To ensure the integrity of the acquisition process, Reclamation’s Acquisition Assistance Management Division will conduct annual management reviews in accordance with Section 4.C. above, providing feedback and support to maintain and improve the quality of acquisition services.

4. **Requirements and Responsibilities.**

   A. **Contracting Officers.** Contracting officers are responsible for ensuring the integrity of the acquisition process by awarding, modifying, terminating, and closing out contracts and interagency acquisitions.

   B. **Program Personnel.** Contracting officer’s representatives, program and project managers, as well as other program personnel are responsible for:

      (1) serving as the technical expert and the technical representative of the contracting officer, to monitor contract performance and compliance;

      (2) functioning as a technical expert associated with the type of product, commodity, or service being acquired;

      (3) providing technical advice to the contracting officer; and

      (4) overseeing the contractor’s performance under the contract from a technical standpoint.

   C. **Head of the Contracting Activity.** The Head of the Contracting Activity is responsible for:

      (1) Performing annual risk assessment in accordance with Department and Reclamation guidelines in order to determine which acquisition assessable units require an AMR; and

      (2) Conducting ARs in accordance with Department and Reclamation guidelines as deemed necessary in accordance with the results of the annual risk assessment.

5. **Definitions.**

   AMR – Acquisition Management Review

   COA – Certificate of Appointment

   FAR – Federal Acquisition Regulation

6. **Review Period.** The originating office will review this release every four (4) years.
Effective Date: XX/XX/2022

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

ACM P01 Acquisition Roles and Responsibilities and Acquisition Management Reviews (AMR)

Summary of Changes

Changes include:

1. Removing references to “Assistance” (i.e., Financial Assistance) and “Property” from the document, including the document title. Financial Assistance and Property are no longer part of the management control assessments/reviews conducted by AAMD.

2. Replacing “Bureau Procurement Chief” with “Head of the Contracting Activity” throughout the document to comply with Department of the Interior Acquisition, Arts, and Asset Policy (DOI-AAAP-0172) DIAR class Deviation – Governance.

3. Clarifying the scope of the limitations of program personnel in Section 1.F.

4. Updating the procedures for conducting AMRs in Section 4.C.

5. Updated the RM Delegation citations from Section 6 to Section 4.

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets
ACM P01 pp 1-2

Insert Sheets
ACM P01 pp 1-3

All Reclamation Manual releases are available at http://www.usbr.gov/recman/