

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Reclamation Standard Water-Related Contract Articles, Standard Article 10: Confirmation of Contract
<b>Purpose:</b>	To provide the text of and requirements for the application of Standard Article 10: Confirmation of Contract (Standard Article 10), for the benefit of supporting general policy and specific requirements set forth in Reclamation Manual Policy, <i>Reclamation Standard Water-Related Contract Articles</i> (PEC P10).
<b>Authority:</b>	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; specifically, section 1 of the Irrigation Districts and Farm Loans Act of 1922 (1922 Act) (Pub. L. 67-219; 42 Stat. 541; 43 U.S.C. § 511); and subsection 2(g) of the Reclamation Project Act of 1939 (Pub. L. 76-260; 53 Stat. 1187; 43 U.S.C. § 485a(g)).
<b>Approving Official:</b>	Director, Mission Assurance and Protection Organization
<b>Contact:</b>	Reclamation Law Administration Division (84-55000)

1. **Introduction.** There are two versions of Standard Article 10 - Versions A and B. Version A addresses the requirement of contract confirmation by a court decree pursuant to section 1 of the 1922 Act (see Paragraph 3.A. below). Version B addresses the requirement of evidence to confirm the validity of the contract (see Paragraph 3.B. below). Each version states that the contract will not bind the United States until the Article's requirements are met. Paragraph 4.B. of PEC P10 indicates which contracts require Standard Article 10, without distinguishing between versions A and B. The paragraph introducing each of the versions below provides direction on which contracts require it.
2. **Applicability.** This Directive and Standard applies to Bureau of Reclamation staff and officials involved in the contracting process, as defined at Paragraph 5.A. of PEC P10.
3. **Requirements and Responsibilities.** Reclamation staff and officials involved in the contracting process will include the appropriate text below in all contracts requiring Standard Article 10 under Paragraph 4.B. of PEC P10. <sup>1</sup>
  - A. **Version A: Court Confirmation.** Version A of Standard Article 10 is generally required in the contracts indicated in the chart at Paragraph 4.B. of PEC P10 where they are entered with irrigation districts, as defined below at Paragraph 4.A. It may be omitted from (1) contracts with federally recognized Indian tribes, and (2) amendatory or supplementary contracts that only implement an administrative or financial practice,

<sup>1</sup>Approved 02/71; revised 11/84; 01/02; 04/10.

# Reclamation Manual

## Directives and Standards

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as specifically allowed or directed by Federal law, and neither increases nor decreases the original obligation, nor extends the repayment term beyond the term of the existing contract.

### CONFIRMATION OF CONTRACT

Promptly after the execution of this contract, the Contractor will provide to the Contracting Officer a certified copy of a final decree of a court of competent jurisdiction in the State of \_\_\_\_\_, confirming the proceedings on the part of the Contractor for the authorization of the execution of this contract. This contract will not be binding on the United States until the Contractor secures a final decree.

- B. Version B: Confirmation by Contractor.** Version B of Standard Article 10 is required in the contracts indicated at Paragraph 4.B. of PEC P10 where they are entered with entities other than irrigation districts, as defined below at Paragraph 4.A.

### CONFIRMATION OF CONTRACT

Promptly after the execution of this contract, the Contractor will provide evidence to the Contracting Officer that, pursuant to the laws of the State of \_\_\_\_\_, the Contractor is a legally constituted entity and the contract is lawful, valid, and binding on the Contractor. This contract will not be binding on the United States until the Contractor provides evidence to the Contracting Officer's satisfaction. In addition to other forms of evidence to meet the requirements of this Article, the Contractor may provide or the Contracting Officer may require a certified copy of a final decree of a court of competent jurisdiction in the State of \_\_\_\_\_, confirming the proceedings on the part of the Contractor for the authorization of the execution of this contract.

#### 4. Definitions.

- A. Irrigation District.** For purposes of this D&S, the term "irrigation district" refers to any organization created pursuant to State law, whether or not it is called an irrigation

# Reclamation Manual

## Directives and Standards

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district, which is authorized by its State to enter into a contract with the United States for irrigation water under any of the contracting authorities requiring Standard Article 10 according to Paragraph 4.B. of PEC P10.

B. See Paragraph 5 of PEC P10.

5. **Review Period.** The originating office will review this release every 4 years.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

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

### Reclamation Manual Release Number and Subject

### Summary of Changes

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

Insert Sheets

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

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_