

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 31: Contract Drafting Considerations
Purpose:	To provide the text of and requirements for the application of Standard Article 31: Contract Drafting Considerations (Standard Article 31), 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).
Authority:	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto
Approving Official:	Director, Policy and Administration
Contact:	Reclamation Law Administration Division (84-55000)

1. **Introduction.** The first sentence of Standard Article 31 is required in all contracts, directly or by reference (see Paragraph 4.B. of PEC P10). It affirms that the parties were competent to and did participate in the formation of the contract. The second sentence of Standard Article 31 is required in all contracts that have provisions with negotiable terms. It affirms that the parties participated in drafting the articles that have negotiable provisions.
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 text below in all contracts requiring Standard Article 31 under Paragraph 4.B. of PEC P10.

CONTRACT DRAFTING CONSIDERATIONS¹

This Contract has been negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains. Articles _ through _ of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.²

4. **Definitions.** See Paragraph 5 of PEC P10.
5. **Review Period.** The originating office will review this release every 4 years.

¹Approved 01/02; revised 04/10.

²This sentence may be omitted from contracts that do not have provisions with negotiable terms.

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: _____