UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
ACQUISITION AND GRANTS OFFICE

June 21, 2016

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross
Director

SUBJECT: Acquisition Instruction 16-01 NOAA Acquisition Review and Approval Process

The purpose of this memorandum is to provide the attached Acquisition Instruction (AI) 16-01, which rescinds AI 15-02 issued on December 8, 2014 and establishes the NOAA Acquisition and Grants Office (AGO) procedures for the review and approval of certain pre-award, award, and post-award contract actions. Department Administrative Order (DAO) 208-2 and DAO 208-5 established the authority and requirements for the review and approval of individual contracting actions.

The AI sets forth the required actions and documentation for conducting NOAA Contract Review Boards (CRB) and reviews or approvals required at the Senior Bureau Procurement Official (SBPO) level or at a higher level. Regardless of the dollar value, all solicitations, contracts, and modifications shall be reviewed by the contracting officer prior to issuance or award, even if the review and approval procedures prescribed within the AI are applicable.

Questions regarding this matter should be addressed to Mr. Dale Henderson, AGO Policy and Oversight Division (POD) at dale.henderson@noaa.gov, or by telephone at (816) 823-3836.

Attachments:

Acquisition Instruction 16-01 NOAA Acquisition Review and Approval Process

June 21, 2016

ACQUISITION INSTRUCTION 16-01

NOAA ACQUISITION REVIEW AND APPROVAL PROCESS

A. Purpose

The purpose of this Acquisition Instruction (AI) is to rescind AI 15-02 dated December 8, 2014. This AI establishes the updated procedures for the review and approval of certain pre-award, award, and post-award contract actions.

B. Background

Department Administrative Order (DAO) 208-2 *Contracting Authority*, and DAO 208-5 *Contracting (Procurement) Review and Approval Requirements*, establish the authority and requirements for review and approval of individual contracting actions.

This AI establishes the requirements and procedures for conducting NOAA Contract Review Boards (CRB) and the required reviews or approvals at or above the Senior Bureau Procurement Official (SBPO) level.

C. Applicability

These procedures are applicable to all NOAA Acquisition and Grants Office (AGO) Acquisition Divisions (AD).

D. General

All solicitations, contracts, and modifications, regardless of their dollar value, shall be reviewed by the contracting officer (CO) prior to issuance or award. If the contract specialist is also the CO, the action must be reviewed and approved at a level above the CO for awards greater than $1M.

The review and approval thresholds are specified in the AGO Review and Approval Matrix set forth in Attachment 4**.** The AGO Review and Approval Matrix is not all inclusive. The AGO Review and Approval Matrix captures the most common types of review and approvals for actions based on Department of Commerce (DOC) and NOAA acquisition policy and addresses commonly used noncompetitive justifications outlined in the Federal Acquisition Regulation (FAR), which may not be addressed within DOC or NOAA acquisition policy. Please reference the FAR and any recently issued DOC or NOAA acquisition policy, such as the Commerce Acquisition Regulation (CAR), Commerce Acquisition Manual (CAM), DOC Procurement Memoranda (PM), NOAA Acquisition Manual (NAM), NOAA AGO Acquisition Alerts (AA), or NOAA AGO AIs to identify any adjustments to the required review and approvals or thresholds established after the issuance of this AI.

E. Contract Review Board Procedures

1. The purpose of the CRB is to provide a uniform method for the review and approval of solicitation, award, and post-award acquisition actions. The CRB provides an independent review of significant contract actions as specified in paragraph 6 of this section. Solicitation actions will be brought before the CRB prior to issuance of the action. Award and post-award actions will be brought before the CRB prior to execution by the CO. This procedure supplements but does not replace normal supervisory and CO responsibilities.

2. The CRB shall review actions outlined in these procedures to ensure that all actions meet the highest quality standard and that the proposed action, when properly executed, will:

   a. Comply with established acquisition policies, procedures, and regulations;

   b. Document sound business decisions;

   c. Be in the best interest of the Government.

3. The assigned contract specialist shall prepare the review package to ensure that the package contains all relevant documentation prior to submission for review, all contractual actions are complete, and all supporting documents pertaining to the action are signature ready for signatories external to the Acquisition Division prior to seeking review and approval of the CRB.

4. Following CO review and approval, the contract specialist shall forward the review package to the appropriate level for review and approval. The NOAA AGO Contract Review Board Review and Approval Form (Attachment 1) is provided to document the CRB action. An alternate form internal to the AD may be used, provided it contains all the information necessary to document compliance with this AI and to provide a clear and complete audit trail of the action.

5. The contract specialist shall ensure the file clearly indicates the completion of the review and approval by the appropriate level(s). All approval decisions and resolution of comments, if any, shall be in writing and attached to the review and approval form before forwarding the package on to the next reviewer. All substantive issues will be resolved prior to release of a solicitation, award of the contract, execution of a modification, or other action.

6. Actions Requiring a CRB Review:

   a. Prior to solicitation:

      i. Acquisition plans for acquisitions greater than $10 Million;
      ii. Source selection plans for all solicitations requiring an SBPO review and approval;

iii. Invitation for Bid (IFB)/Request for Proposal (RFP) greater than $1M where award will be based on both technical and price/cost competition;
iv. Request for Quotes (RFQ) greater than $10M.
v. Solicitations allowing the use of progress payments based on percentage or stage of completion (except those for construction or ship repair);
vi. Justifications for Noncompetitive Actions greater than $700,000. A justification fully explaining the rationale for making an award on a noncompetitive basis with supporting documentation is required in accordance with:

(1) FAR 6.303 for other than full and open competition (JOFOC);
(2) FAR 8.405-6 for limiting sources for proposed orders and blanket purchase agreements established under the Federal Supply Schedules;
(3) FAR 13.501 for sole source (including brand name) acquisitions or portions of an acquisition requiring a brand-name conducted under simplified acquisition procedures for certain commercial items; and
(4) FAR 16.505(b)(2) for exceptions to fair opportunity for proposed orders under indefinite-delivery contracts.

vii. Any other solicitations (including non-competitive) for proposed acquisitions requiring an SBPO review and approval or a higher level approval to issue.

b. Prior to award (regardless of dollar value except where indicated):

i. One offer awards under competitive RFPs including competitive 8(a) awards;
ii. Contract awards, including non-competitive contract awards, greater than or equal to $1M;
iii. Letter contracts, undefinitized contract actions, unpriced change orders, and definitized actions and contracts greater than or equal to $1M; and
iv. Any other contract awards for proposed acquisitions requiring SBPO or higher level approval, as defined in Section F(2).

c. Post-award actions:

i. Justifications for Noncompetitive Actions greater than $700,000 (see list in Section E6(a)(vi)); and
ii. Contract modifications greater than $2.5M, excluding options or incremental funding action.

7. <u>CRB Documentation to be Submitted</u>: The reviewer, at their discretion, may require the submission of any additional documentation necessary to complete the review. The following documentation shall be included in the review package:

a. For sole source procurement actions, submit the Justification for Noncompetitive Action greater than $700,000 (see list in Section E6(a)(vi)) and

any supporting documentation (for example: the CD-570, results of public announcement, and market research);

b. For solicitations, all documents prepared prior to solicitation (for example: justifications, required approvals or clearances, determinations and findings, the CD-570, public announcement, and set-aside determination);

c. For proposed contract awards, all pre-award documentation (for example: Business Case Memorandum (BCM), a competitive range determination, technical and price and cost evaluations, or source selection decision);

d. For post-award actions, all pertinent pre-award and post-award documentation related to the action;

e. Any action being submitted for an SBPO review and approval that cites a statute, regulation, or an authority other than the FAR, CAR, CAM, a PM, the NAM, AAs or AIs, or, shall include a copy of the referenced citation within the SBPO review and approval package submission.

f. All actions requiring an SBPO review shall include the documentation listed in Section F10 and be submitted to the CRB for review. All supporting documents pertaining to the action will be signed and executed prior to submission of the SBPO review and approval package submission.

8. CRB Composition:

a. The CRB shall be comprised of no less than the chairperson and two additional board members.

i. The CRB chairperson shall be an Acquisition Division Director, Deputy Division Director, or designee possessing a Level III certification.

ii. Of the two additional board members, at least one board member shall be classified in the GS-1102 series, a GS-12 or higher, and possess a Level II certification. A contractor employee serving as the other board member is permissible.

b. The CRB chairperson will determine the exact composition required, following the above minimum criteria, and methodology for review (formal CRB meeting versus independent file reviews) based on the dollar value, complexity, or visibility of the action to be reviewed.

9. The approval, conditional approval, or disapproval of the action reviewed by the CRB shall be indicated in Section B of the NOAA AGO Contract Review Board Review and Approval Form. Each participating CRB reviewer shall provide a dated signature to signify concurrence with the CRB decision. The CRB shall grant conditional approval by (1) selecting the appropriate box in Section B.1; (2) providing dated signatures from each participating CRB reviewer; and (3) identifying, in writing, all conditions or corrective actions that must be completed

before the action is released. The CO and the contract specialist shall comply with the CRB recommendations, reconcile any CRB comments, and make any required revisions with the CRB Chairperson prior to release of the document or forwarding for higher level review.

10. Waiver of CRB Requirement: The Head of Contracting Office (HCO) may grant a waiver of the CRB requirement for any of the above actions upon submission of a written request by the CO citing the reasons why the waiver is necessary. The HCO shall provide a copy of any waiver granted to the NOAA SBPO concurrent with approval of the waiver.

F. SBPO Review Procedures

1. All actions requiring a SBPO review and approval shall be submitted to the Policy and Oversight Division (POD) with a completed AGO Transmittal Memorandum (Attachment 2), a signed SBPO Review and Approval Form (Attachment 3), and any other required documents for an SBPO review and concurrence. ADs shall ensure their submissions are technically and grammatically correct.

2. All actions requiring a higher level of approval, such as the NOAA Deputy Under Secretary for Operations (DUS-O), Head of Contracting Activity (HCA), Department of Commerce Senior Procurement Executive (SPE), or a higher level, shall be submitted to the POD with an AGO Transmittal Memorandum, SBPO Review and Approval Form, and any other required documents for an SBPO review and concurrence. Upon concurrence, the SBPO support staff will forward the action to the required approver.

3. The HCO shall submit a complete review package, as set forth below, to the POD for review, using the SBPO Review and Approval Form. If the action is acceptable as submitted, the POD will forward the action to the SBPO for review and approval. If revisions are required, the POD will notify the AD of required changes, obtain and review changed documents, and forward the package to the SBPO for review and approval.

4. The SBPO will review the action and, if acceptable, approve it as submitted and return the file to the AD with notification to the POD.

5. If the SBPO requires changes before approval, the SBPO will send an email notification of the required changes to the AD and POD. The POD and the AD will discuss the SBPO comments if necessary. If modifications to any documents are required, the AD will submit the revised document(s) to the SBPO and POD for review. If only explanatory information is required by the SBPO, the AD will send an email response to the SBPO and POD.

6. When all SBPO comments/changes have been cleared, the SBPO will either approve or disapprove the action by signing the SBPO Review and Approval Form and returning it to the AD with notification to the POD. For actions requiring a

higher level of approval, the SBPO support staff will forward the action to the approver.

7. Actions Requiring SBPO Review:

    a. Acquisition plans (accompanied with an Acquisition Summary Page[1]) greater than $10M;
    b. Contract modifications greater than $2.5M (except option exercises and incremental funding actions);
    c. Delegation of Source Selection Authority;
    d. Fixed Ceiling Price Contracts with retroactive price redetermination;
    e. IFBs/RFPs/Solicitations and Contract Awards greater than $25M.[2];
    f. Interagency Agreements for Assisted Acquisitions greater than $10M or identified as high profile;
    g. Justifications for Noncompetitive Actions greater than $700,000 (*see list in Section 6(a)(vi)*);
    h. Letter contracts greater than $1M (pre-award review and approval of contract or modification);
    i. Lowest Price Technically Acceptable (LPTA) Source Selection for Services at any dollar amount;
    j. Notices preliminary to contract termination;
    k. Protests, Lawsuits, Claims, and Appeals Responses prior to SPE review;
    l. Ratifications greater than $500,000 prior to SPE review;
    m. Request for Waiver Annual Class Waiver for Ship Repairs and Individual Waivers of Bond Requirements for Ship Construction, Alterations, and Repairs;
    n. Settlement agreements;
    o. Undefinitized Contract Actions (approval of request for an extension to definitization period or increasing the obligation amount past 50 percent of ceiling price or not-to-exceed price); and
    p. All documents and actions being sent to the DUS-O, HCA, SPE, or a higher level.

8. Actions Requiring HCA Review:

    a. Ceiling Price Contracts with Retroactive Price Redetermination (all);
    b. GAO Protest – HCA authorizes award or contract performance when a GAO protest is pending;
    c. Justification for Limited Sources greater than $13.5M to $68M; and
    d. Justification and Approval for proposed sole source (including Brand Name) acquisitions or portions of an acquisition requiring a Brand Name conducted under Simplified Acquisition Procedures for Certain Commercial Items (FAR 13.501) greater than $13.5M to $68M.

[1] Commerce Acquisition Manual 1307.1 Acquisition Planning, Appendix H

[2] IFBs/RFPs/Solicitations and Contract Awards greater than $10M and up to $25M do not require SBPO review, provided the Acquisition Plan was previously reviewed and approved by the SBPO. If the IFB/RFP/Solicitation is greater than $10M and the Acquisition Plan was not previously reviewed, an SBPO review is required. The SBPO retains the right to review any solicitation or contract award greater than $10M and up to $25M if deemed necessary.

9. Actions Requiring SPE Review:
In addition to the actions specified in Section F7, the following additional actions requiring SPE review and approval[3] shall be submitted to the POD with an AGO Transmittal Memorandum, an SBPO Review and Approval Form, and any other required documents for SBPO clearance prior to submission to the SPE:

   a. Acquisition Plans, accompanied with an Acquisition Summary Page (greater than or equal to $10M for OAM review; greater than $75M for SPE approval);
   b. Actions involving contract reformation;
   c. Award-fee, award-term, or incentive fee determination decisions;
   d. Debarment, suspension or ineligibility of contractor actions;
   e. Exclusion of sources to establish or maintain alternate sources;
   f. Extension to contracts awarded under FAR 6.302-2 beyond one-year limit
   g. FAR deviations (individual and class);
   h. Justifications for Noncompetitive Actions greater than $68M[4](*see list in Section E6(a)(vi)*);
   i. Multi-year contract cancellations greater than $12.5M;
   j. Notices preliminary to contract termination;
   k. Notices of termination (full or partial) and other final decisions;
   l. Planned contracts with base plus option periods more than five years;
   m. Proposed award/incentive fee/term plans;
   n. Proposed responses to Congressional requests for information;
   o. All Protests, lawsuits, claims, or appeals responses;
   p. Ratifications of unauthorized commitments greater than $500,000;
   q. Rejection of recommendation to set aside an acquisition for small business;
   r. Settlement agreements;
   s. Use of emergency acquisition flexibility authority; and
   t. Use of discretionary authority to declare void and rescind contracts.

10. SBPO Review and Approval Package Documentation to be Submitted: The following documentation shall be included in the SBPO review and approval package. If applicable, the reviewer may require the submission of any additional documentation necessary to complete an effective review at the reviewer's discretion:

   a. AGO Transmittal Memorandum:

      i. The AD shall complete a stand-alone document providing a brief summary of the action to be taken or a summary of the information being provided. The template for the AGO Transmittal Memorandum is provided in Attachment 2.

[3] Department of Commerce Office of Acquisition Management Procurement Memorandum 2011-05
[4] Reference AGO Review and Approval Matrix for Approval Levels >$700,000 to $68M.

ii. The transmittal memorandum shall be signed by the Division Director, Deputy Division Director, or anyone acting in one of those two roles.

iii. For packages being submitted electronically, the transmittal memorandum shall include a list of the package attachments for assembly by the AGO administrative staff.

iv. For packages being delivered in person or by hard copy, the transmittal memorandum shall be placed on the outside of the approval package folder.

b. Pre-solicitation Actions:

i. Acquisition Plan with any supporting documentation, including an Acquisition Summary Page, NOAA AGO Contract Review Board Review and Approval Form with comments, Office of General Counsel (OGC) review with comments, and documentation showing how all review comments were reconciled. For formal acquisition plans exceeding $50 Million or those identified as special interest, include the documents required by CAM 1307.1, Section 6.2.2;

ii. Justifications for Noncompetitive Actions greater than $700,000 (*see list in Section 6(a)(vi)*) with any supporting documentation (for example market research, results of public announcement) and NOAA AGO Contract Review Board Review and Approval Form with comments, OGC review with comments, and documentation showing how all review comments were reconciled;

iii. Any action being submitted for an SBPO review and approval that cites a statute, regulation, or an authority other than the FAR, CAR, CAM, PM, the NAM, AAs or AIs, or, shall include a copy of the referenced citation within the SBPO review and approval package submission.

c. Solicitations (IFBs, RFPs, RFQs, and Noncompetitive Acquisitions):

i. Source Selection Plan;
ii. All CO determination and findings;
iii. Approved Justifications for Noncompetitive Actions greater than $700,000 (*see list in Section 6(a)(vi)*);
iv. Set-aside determination (CD-570);
v. Award or incentive fee plan;
vi. Solicitation document with attachments; and
vii. NOAA AGO Contract Review Board Review and Approval Form with comments, OGC review with comments, and documentation showing how all review comments were reconciled.

d. Contract Awards (including Letter contracts):

i. Competitive Range Determinations;
ii. Final proposal evaluation reports;
iii. Price Negotiation Memorandums or BCMs;
iv. Source Selection Decisions;
v. Required clearances (for example: Equal Employment Opportunity letter);
vi. Contract documents (for IDIQ contracts, include any task or delivery order funding the minimum order amount to be issued in conjunction with contract award); and
vii. NOAA AGO Contract Review Board Review and Approval Form with comments, OGC review with comments, and documentation showing how all review comments were reconciled.

e. Contract Modifications:

i. SF-30 and all supporting documentation (for example: independent government estimate, technical specifications, public announcement, price negotiation memorandum, CRB and OGC reviews and comments).

f. Other Actions:

i. For all other actions, submit all pertinent pre-award and/or post-award documentation related to the action.

11. Review and Approval Time: HCOs will allow five business days to obtain a POD review and an additional five business days to obtain an SBPO review and approval. The HCO may request an expedited POD and/or SBPO review at any time, in order to meet mission requirements.

12. Acquisition Review Board for Acquisition Plans Requiring SPE Review: CAM 1307.1 requires all formal acquisition plans in excess of $50 Million and those identified as special interest to be submitted to the Office of Acquisition Management (OAM) at least **14 business days** prior to holding the Bureau-level Acquisition Review Board (ARB) meeting. Please reference AI 13-01 NOAA Acquisition Review Board Procedures for the internal review board procedures and guidance.

ARB Paper Review
This review is conducted for an acquisition greater than $10M up to $50M. The SPE may serve on the NOAA ARB for any acquisition anticipated to exceed $50 million, and any acquisition between $10M and $50M determined to be of special interest to the Department.

Formal ARB
This review is conducted for an acquisition in excess of $50M, as well as any acquisition determined to be of special interest to the SPE or an acquisition identified by the SBPO. This is conducted in conjunction with the NOAA Project

Management Council (PMC). The SPE must be invited to serve on the NOAA ARB. An acquisition above $75M shall have both a NOAA ARB and a DOC ARB. The DOC ARB will be held during the second scheduled DOC Acquisition Council Meeting of the month or during a special session, as needed. Each presentation is allotted 45 minutes.

In order for NOAA to comply with the ARB requirements, ADs shall meet the following timeframes:

a. As early as possible in the procurement process, **but no later than 25 business days prior to the desired NOAA ARB date**, the CO shall contact the POD Review and Analysis Branch Chief and request that the ARB be scheduled. The Branch Chief will inform the CO of the meeting date as soon as it is scheduled with NOAA's PMC secretary.

b. The CO shall submit the acquisition plan, with all required review signatures, with exception of the SBPO signature, to the POD for review **no later than 23 business days prior to the <u>scheduled</u> ARB date.**

c. The CO shall complete any required revisions and submit the final acquisition plan to the POD **no later than 16 business days** prior to the **<u>scheduled</u> ARB date**.

d. The CO shall submit the presentation or briefing materials for the NOAA ARB to the POD for review **no later than 10 business days** prior to the **<u>scheduled</u> ARB date.**

The above timetable will enable NOAA to schedule the ARB, complete its internal reviews, and finalize the acquisition plan for submission to OAM within the time frame required by CAM 1307.1, *Department of Commerce Acquisition Planning*.

G. Legal Review Procedures

1. The CO shall obtain legal review by the OGC Contract Law Division, or designee, prior to the execution and/or issuance of the categories of actions set forth in CAM 1301.71, *Legal Review of Acquisition-Related Actions*, or any subsequent DOC or AGO policy on legal reviews.

2. In processing a legal review, the CO shall follow the requirements of CAM 1301.71, *Legal Review of Acquisition-Related Actions*, or any subsequent DOC or AGO policy on legal reviews and the procedures set forth in NAM 1330-70.103, Legal Reviews. The CO may proceed with the contracting action if no response to a request for legal review is received within 15 calendar days after submission, provided the official file has been documented to substantiate that the action was submitted for legal review and the date it was submitted.

H. Effective Date

This AI is effective on the date of issuance. These procedures will remain in effect until superseded or rescinded.

I. Point of Contact

Questions concerning this AI should be directed to Dale Henderson, Acquisition and Grants Office (AGO), Policy and Oversight Division at Dale.Henderson@noaa.gov or by telephone at (816) 823-3836.

Attachments

1. NOAA AGO Contract Review Board Review and Approval Form
2. AGO Transmittal Memorandum Template
3. SBPO Review and Approval Form
4. AGO Review and Approval Matrix

NOAA AGO CONTRACT REVIEW BOARD REVIEW AND APPROVAL FORM

SECTION A. REQUEST FOR CONTRACT REVIEW BOARD (CRB)			☐ INITIAL REVIEW ☐ RESUBMISSION
A.1	ACQUISITION DIVISION AND DOCUMENT NO:		
A.2	DESCRIPTION OF SUPPLIES/SERVICES:		
A.3	ESTIMATED DOLLAR AMOUNT (including options):		
A.4	TYPE OF ACTION TO BE REVIEWED:		
A.5	CONTRACT SPECIALIST:		SIGNATURE DATE
A.6	CONTRACTING OFFICER:		SIGNATURE DATE
A.7	COMMENTS/INSTRUCTIONS:		
A.8	CRB SCHEDULED FOR: (if formal board conducted)		DATE TIME
A.9	CRB MEMBERS	CHAIRPERSON	
		MEMBER	
		MEMBER	

SECTION B. CRB FINDINGS				
B.1	FINDINGS:	☐UNCONDITIONAL APPROVAL	☐ CONDITIONAL APPROVAL	☐ DISAPPROVED
B.2	SIGNATURES:	CHAIRPERSON: SIGNATURE DATE MEMBER: SIGNATURE DATE MEMBER: SIGNATURE DATE		

DOCUMENT NO:		BRANCH:		Page 2 of

NO.	REVIEWER COMMENTS/INITIALS	NO.	CORRECTIVE ACTIONS/INITIALS
01		01	
02		02	
03		03	
04		04	
05		05	
06		06	
07		07	
08		08	
09		09	
10		10	
11		11	
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16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	

NOAA ACQUISITION AND GRANTS OFFICE (AGO) TRANSMITTAL MEMORANDUM

MEMORANDUM FOR: Mitchell J. Ross
NOAA Senior Bureau Procurement Official

Jeffrey S. Thomas
Deputy Director, AGO

FROM: *Insert the Division Director or Deputy Director Name*
Director or Deputy Director, _____ Acquisition Division or Grants Management Division

THRU: *(if applicable)* *Insert name of additional personnel who should review and/or approve prior to submission to the SBPO or AGO Deputy Director (i.e. Office of General Counsel or Policy and Oversight Division)*

SUBJECT: Action *or* Information *(select one)*: *Indicate the subject of action being requested or the information being provided*

DATE: July 3, 2016

Action *or* Information *(select one)***:** *In this section, provide a one-line description of the document(s) submitted as an action, indicate your review of the document, and state the required action, such as review, approval, signature or other action. Any document(s) provided for information purposes should include reason for submission of the document. This section should conclude with a specific recommendation for approval or disapproval.*

Example: Attached for your review and approval is a request for the Delegation of Source Selection Authority (SSA), submitted by _____Acquisition Division, on behalf of _____Line Office. I have reviewed the document and recommend that you approve by signing in the designated area on page 2. This request for Delegation of Source Selection Authority is in compliance with the NOAA Acquisition Manual 1330-15.303 for a source selection of an acquisition between $10M and $50M.

Background: *Provide context regarding the recommended action or information being provided. This section should discuss the key elements that the Director and/or the Deputy Director need to know under the circumstances. A detailed analysis is not necessary.*

- *References to the FAR, statutes, regulations, sources, or other documents included in the text of the document(s) shall be provided as an attachment(s) and highlight all relevant sections.*
- *Include a copy of the source document, which generated the requested action (i.e. a copy of the e-mail from DOC for example or other office).*

Example: This request for Delegation of Source Selection Authority has been made in compliance with the requirements of the NOAA Acquisition Manual (NAM) 1330-15.303 for a source selection of an acquisition between $10M and $50M for FAR Part 15 SSA delegations. The individual proposed for the re-delegation is _____, the Deputy Assistant Administrator for _____Line Office.

Other Information: *Discuss other information that is relevant such as other individuals or organizations who have reviewed the document. Describe the final disposition of the document and who is responsible for ensuring the document get to its final destination after approval.*

Example: _____Acquisition Division has obtained the concurrences required by NAM 1330-15.303. Once we receive your approval, the _____Acquisition Division will be responsible for providing the approved request for Delegation of SSA to the _____Line Office. .

Point of Contact: *Insert a one-line sentence to introduce the point of contact responsible for responding to any questions, comments, recommended changes, or edits (if necessary) after the review by the AGO Director or Deputy Director. If revisions, edits, or changes are necessary, the point of contact from the Division submitting the document would be responsible for the changes.*

Example: Questions, comments, or changes pertaining to this request of action or information briefing (choose one) should be directed to *(insert name)*, at *(insert email address)*, or by telephone at (*insert phone number*).

Attachments: *List and attach any references to the FAR, statutes, regulations, sources, or other documents.*

Example:

Attachments

1. Request for Delegation of Source Selection Authority for _____, Deputy Director of ____Line Office

2. Copy of NAM 1330-15.303

SBPO REVIEW AND APPROVAL FORM

Solicitation/Contract No. and Title _____
Total Dollar Value: _____ Date: _____

From: HCO
To: Policy and Oversight Division

Request review of the attached action. The action has been reviewed and is recommended for SBPO approval.

_____ _____
HCO Signature Date

****

Changes Required

From: Policy and Oversight Division
To: HCO

This action has been reviewed; changes are required per the attached comments. Please resubmit the corrected package to this office once all required changes have been made.

_____ _____
POD Reviewer Signature Date

****

No Changes Required or Required Changes Made

From: Policy and Oversight Division
To: SBPO

☐The proposed action has been reviewed and no changes were recommended. Recommend approval. ☐The proposed action has been reviewed. Changes were recommended and changes were made. Recommend approval.

_____ _____
POD Reviewer Signature Date

****

SBPO Action

From: SBPO
To: HCO ☐ Approved as submitted ☐ Conditional approval; see comments
or
To: POD Reviewer ☐ Disapproved; coordinate required changes with the HCO

Comments: _____
_____
_____
_____

_____ _____
SBPO Signature Date

NOAA ACQUISITION AND GRANTS OFFICE (AGO) REVIEW AND APPROVAL MATRIX

NOAA AGO Review and Approval Matrix Acronym List

Acronym	Term	Organization	Location of Policy, Designation, or Information
AA and AI	Acquisition Alert Acquisition Instruction	NOAA	http://www.ago.noaa.gov/acquisition/regulation_and_guidance.html
ARB	Acquisition Review Board	NOAA / DOC	http://www.ago.noaa.gov/acquisition/docs/ai_13-01_noaa_arb_procedures.pdf
CAM	Commerce Acquisition Manual	DOC	http://www.osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/
CAR	Commerce Acquisition Regulation	DOC	http://www.ecfr.gov/cgi-bin/text-idx?SID=4d9e2a1c4154ddfed44511844861da55&mc=true&tpl=/ecfrbrowse/Title48/48chapter13.tpl
CRB	Contract Review Board	NOAA	See Section E of Acquisition Instruction 16-01
DAO	Department of Commerce Administrative Orders	DOC	http://www.osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_directives/default.htm
FAR	Federal Acquisition Regulation		http://farsite.hill.af.mil/
HCA	Head of Contracting Activity (Under Secretary of Commerce for Oceans and Atmosphere / NOAA Administrator)	NOAA	http://www.osec.doc.gov/opog/dmp/daos/dao208_2.html
HCO	Head of Contracting Office	NOAA	http://www.osec.doc.gov/opog/dmp/daos/dao208_2.html http://www.ago.noaa.gov/about/management_team.html
IFB	Invitation for Bid	FAR	http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/14.htm
MRB	Milestone Review Board	DOC	http://www.osec.doc.gov/oam/documents/Interim%20Acquisition%20Policy%20Memo%20(signed%206%20Nov%2012).pdf
NAM	NOAA Acquisition Manual	NOAA	http://www.ago.noaa.gov/acquisition/AcqManual/09_acquisitionmanualtableofcontents.html
OAM	Office of Acquisition Management	DOC	http://www.osec.doc.gov/oam/default.htm
OGC	Office of General Counsel	DOC	https://ogc.commerce.gov/
PM	Procurement Memoranda	DOC	http://www.osec.doc.gov/oam/acquistion_management/policy/procurement_memoranda/default.htm
PMC	Program Management Council	NOAA	http://content.ppi.noaa.gov/pdf/NOAA_Program_Managment_Council_-_Terms_of_Reference.pdf
RFP	Request for Proposal	FAR	http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/15.htm#P75_14781
RFQ	Request for Quote	FAR	http://farsite.hill.af.mil/vffara.htm
SBPO	Senior Bureau Procurement Official (Director of AGO)	NOAA	http://www.osec.doc.gov/opog/dmp/daos/dao208_2.html http://www.ago.noaa.gov/bios/mitchell_j_ross.html
SPE	Senior Procurement Executive	DOC	http://www.osec.doc.gov/opog/dmp/daos/dao208_2.html http://www.osec.doc.gov/oam/documents/biography_Berkowitz_Barry_E.pdf

Item	CRB	OGC	CO / HCO	SBPO	HCA	OAM / SPE
Acquisition Plans (See CAM 1307.1 Sections 6.5 and 6.6 for exemptions and waiver)	CRB >$10M ARB 1. **Paper Review ARB** >$10M - $50M SPE may participate on NOAA ARB for an acquisition >$50M or any acquisition between $10M-$50M identified as special interest to DOC. 2. **Formal NOAA ARB.** >$50M - $75M Formal ARB. This is conducted in conjunction with the NOAA PMC. The SPE must be invited to serve on NOAA ARB. 3. **DOC ARB.** >$75M and requires a prior NOAA ARB. AI 16-01 AI 13-01	>$1M CAM 1301.71	Contracting Officer 1. Contacts POD Review & Analysis (R&A) Branch ASAP but NLT 25 business days prior to desired ARB date. 2. Submits Acquisition Plan with signatures (except SBPO) to POD NLT 23 business days prior to the scheduled ARB date. 3. Completes required revisions, submits final draft to POD R&A NLT 16 business days to the scheduled ARB date. 4. Submits the ARB presentation materials to the POD R&A NLT 10 business days prior to the scheduled ARB date. HCO Requests SBPO for ARB waiver. AI 13-01	SBPO Approval 1. > $10M to <$75M 2. Waive requirement for NOAA ARB. SBPO Review and Concurrence 1. Identified as a high profile acquisition program or project. 2. >$75M provides review and concurrence before submission to the SPE. AI 13-01 CAM 1307.1		DOC Competition Advocate Reviews the Acquisition Plan only if other than full and open competition procedures is anticipated. OAM Review >$10M All formal Acquisition Plans are provided to OAM for review and to determine if the requirement is of special interest. SPE Approval >$75M CAM 1307.1
Annual Class Waiver for Ship Repairs and Individual Waivers of Bond Requirements for Ship Construction, Alterations, and Repairs.	All AI 16-01		HCO 1. Submits annual waiver request for SBPO Review. 2. Submits individual requests for waivers associated with construction, alteration, or repair of NOAA fleet vessels to SBPO for review. 3. Submits required written notification of emergency ship repairs where bonds are waived to the SBPO for review. CAM 1328.102	SBPO Review 1. Reviews all requests for waivers and provides recommendation to the NOAA DUS-O. 2. Submits notification of emergency ship repairs where bonds are waived to NOAA DUS-O. 3. Provide OAM with copies of all approved and individual class waivers. CAM 1328.102		OAM Shall receive a copy of all approved individual and class waivers. CAM 1328.102
Award-Fee, Award-Term, or Incentive Fee determination decisions	All AI 16-01	All Award Fee determinations CAM 1301.71		Approval of D&F for all incentive and Award-Fee contracts justifying use of this type of contract. CAM 1301.70		SPE All Award-Fee, Award-Term, or Incentive Fee determination decisions. PM 2011-05
Contract Awards	1. >$1M, including non-competitive contract awards. 2. All one offer awards under competitive RFPs, including those under competitive 8(a) awards. 3. Any contract awards for an acquisition requiring SBPO or higher AI 16-01	>$1M CAM 1301.71	Contracting Officer 1. Review of all awards is required. 2. If Contract Specialist is the Contracting Officer, approval is one level above the Contracting Officer for awards >$1M. AI 16-01	1. >$10M If the Acquisition Plan was not previously reviewed. 2. >$25M If the SBPO previously approved the Acquisition Plan. AI 16-01		

Item	CRB	OGC	CO / HCO	SBPO	HCA	OAM / SPE
Contract Modifications	1. >$2.5M, excluding options or incremental funding actions. 2. >$1M for modification to letter contract. 2. Any contract action for an acquisition requiring SBPO or higher level review. AI 16-01	All modifications that materially change characteristics of the supplies/services being procured, extend period of performance, or increase contract by 25% CAM 1301.71	Contracting Officer 1. Review of all awards is required. 2. If Contract Specialist is the Contracting Officer, approval is one level above the Contracting Officer for awards >$1M. AI 16-01	1. >$2.5M This excludes options and incremental funding actions. 2. >$1M for modification to letter contract. AI 16-01		
D&F - No Other Contract Type is Suitable prior to the execution of the base period if the base period plus any option periods exceed 3 years on a T&M contract			HCO This authority is non-delegable. NAM 1330-16.601(d) (AA 15-05)	Delegated the approval authority to the HCOs. CAM 1316.1		
Determination for Cost-Reimbursment, Time-and-Material or Labor-Hour, and Incentive Contracts			HCO CAM 1316.1	1. If the HCO is the CO. 2. Acquisition meets ARB threshold. 3. Designated by the SPE or SBPO as a major investment oversight process. NAM 16.103 (AA 10-03)		
Fixed Ceiling Price Contracts with Retroactive Price Redetermination	All AI 16-01	All FAR 16.206-3(d) CAM 1301.70		SBPO Review and Concurrence Action must be reviewed and receive clearance prior to submittal to the HCA. AI 16-01	All CAM 1301.70	
Interagency Agreements for Assisted Acquisitions	>$10M AI 16-01	>$250,000 CAM 1301.71	Contracting Officer 1. Responsible for ensuring that required review and approvals have been met prior to execution. 2. Ensuring that the roles and responsibilities associated with the assisted acquisition as the requesting agency or servicing agency have been met prior to signature. CAM 1317.570	>$10M AI 16-01 CAM 1307.1		OAM Review >$10M The agreement is submitted with a formal Acquisition Plan. MRB If agreement is identified as a high profile acquisition project/program in accordance with DAO 208-16. CAM 1307.1

Item	CRB	OGC	CO / HCO	SBPO	HCA	OAM / SPE
Justification for Other Than Full and Open Competition (JOFOC) This Includes modifications to existing contracts but excludes 8(a) actions. FAR 6.304	>$700,000 AI 16-01	>$150,000 CAM 1306.70	Contracting Officer No approval authority. HCO Delegated Authority to Review and Approve up to $700,000. NAM 1330-1.602-3 (AA 14-03)	>$700,000 Shall concur before submission to the DOC Competition Advocate. AI 16-01		DOC Competition Advocate >$700,000 to $68M SPE Approval >$68M CAM 1301.70 CAM 1306.70
Justification for Limited Sources For orders placed or BPAs established under Federal Supply Schedules. FAR 8.405-6(d))	>$700,000 AI 16-01	>$150,000 CAM 1306.70	Contracting Officer $700,000 Unless a higher approval level is established in accordance with agency procedures. FAR 8.405-6(d)(1)	>$700,000 to $13.5M FAR 8.405-6(d)(2)	>$13.5M to $68M FAR 8.405-6(d)(3)	SPE Approval >$68M PM 2011-05 FAR 8.405-6(d)(4)
Justification for an Exception to Fair Opportunity FAR 16.505(b)(2)(ii)	>$700,000 AI 16-01	>$150,000 CAM 1306.70	Contracting Officer $700,000 Unless a higher approval level is established in accordance with agency procedures. FAR 16.505(b)(2)(ii)(C)(1)	>$700,000 to $13.5M FAR 16.505(b)(2)(ii)(C)(2)	>$13.5M to $68M FAR 16.505(b)(2)(ii)(C)(3)	SPE >$68M PM 2011-05 FAR 16.505(b)(2)(ii)(C)(4)
Justification for Proposed Sole Source (including Brand-Name) acquisitions or portions of an acquisition requiring a Brand-Name conducted under Simplified Acquisition Procedures FAR 13.501(a)(2)	>$700,000 AI 16-01	>$150,000 CAM 1306.70	Contracting Officer >$150,000 to $700,000 Unless a higher approval level is established in accordance with agency procedures. FAR 13.501(a)(2)(i)	>$700,000 to $13.5M FAR 13.501(a)(2)(ii)	>$13.5M to $68M FAR 13.501(a)(2)(iii)	SPE Approval >$68M FAR 13.501(a)(2)(iv)
Letter Contracts	>$1M AI 16-01	All CAM 1301.71	Contracting Officer 1. Review is required for all awards. 2. If Contract Specialist is the Contracting Officer, approval is one level above the Contracting Officers for awards >$1M. HCO Approve determination of a reasonable price or fee indefinitization of a letter contract. CAM 1301.70 AI 16-01	1. Determination that no other contract is suitable (Letter contracts). 2. >$1M Pre-award review and approval of the letter contract or modification. CAM 1301.70 AI 16-01		
Lowest Price Technically Acceptable (LPTA) Source Selection Process <u>for Services</u>	All LPTA for Services AI 16-01			The SBPO must approve the use of LPTA for Services at any dollar value. AA 16-04		

Item	CRB	OGC	CO / HCO	SBPO	HCA	OAM / SPE
Protests, Lawsuits, Claims, and Appeals	All AI 16-01	All CAM 1301.71	Contracting Officer 1. Shall notify and provide a copy to the HCO. 2. Shall prepare a Notification for Protest, Lawsuits, and Appeal Memorandum to notify OAM of receipt of a protest within one business day. 3. Shall notify OGC CLD. 4. Until resolved, provide an update in AGO Weekly Report. HCO 1. Shall notify the BPO as soon as practicable of any potential protest, claim, or significant event. 2. The HCO, or the SBPO if the HCO is the contracting officer, shall make the determination to award a contract. NAM 1330-33.1 NAM 1330-33.70	All Protests, Lawsuits, Claims, and Appeals prior to submittal to the SPE. AI 16-01	Authorizes award/contract performance when a GAO protest is pending. FAR 33.104(b)&(c) CAM 1301.70	OAM Review 1. Notified within one business day for all Protests, Lawsuits, or Appeals. 2. Provided a copy of responses to protests and lawsuits within one week after responses submitted. SPE Approval All Protests, Lawsuits, Claims, or Appeals responses prior to execution and / or issuance. PM 2010-10 PM 2011-05
Ratification of Unauthorized Commitments	>$500,000 AI 16-01	All PM 2010-04	HCO <$500,000 NAM 1330-1.602-3 (AA 14-03)	>$500,000 Action must be reviewed and receive clearance prior to submittal to the SPE. AI 16-01		SPE Approval >$500,000 CAM 1301.70
Release of Synopsis to FedBizOpps			Contracting Officer If the CS is the CO, prior to release of the synopsis to FedBizOpps, a higher level review is required by the Team Leader, Branch Chief, or HCO. NAM 1330-5.002-70 (AA 05-02)			
Solicitations	1. IFB/RFP >$1M Award is based on both technical and price competition. 2. RFQ > $10M All 1. Allowing the use of progress payments based on percentage or stage of completion (except construction or ship repair). 2. Source Selection Plans for solicitations requiring SBPO Review. 3. Solicitations for acquisitions requiring SBPO or higher level approval. AI 16-01	>$1M 1. Draft solicitations and solicitation, including RFQs for task orders and BPAs against FSS contracts and GWACs, and FAR Part 36 Notices of Opportunity to be released publicly (e.g. via e-Buy or FedBizOpps for comment) 2. All amendments to the soliciatations reviewed (above) except those limited administrative changes. CAM 1301.71	Contracting Officer 1. All 2. If the Contract Specialist is the Contracting Officer, solicitation approval is one level above the Contracting Officer for >$1M. AI 16-01	1. >$10M If the SBPO has not previously reviewed and approved the Acquisition Plan. 2. >$25M If the SBPO approved the Acquisition Plan. AI 16-01		

Item	CRB	OGC	CO / HCO	SBPO	HCA	OAM / SPE
Stop Work Orders		All CAM 1301.71	Higher level than Contracting Officer. FAR 42.1303(b)			
Terminations	All AI 16-01	All CAM 1301.71		All notices of termination (full or partial) and other final decisions prior to submission to the SPE. AI 16-01 PM 2011-05		SPE Approval All notices of termination (full or partial) and other final decisions. PM 2011-05
Termination Settlement Agreements	All AI 16-01	All CAM 1301.71	Contracting Officer 1. Review is required for all awards. 2. If Contract Specialist is the Contracting Officer, approval is one level above the Contracting Officers for awards. AI 16-01	All termination settlement agreements before submission to the SPE. AI 16-01		SPE Approval All PM 2011-05
Undefinitized Contract Actions, Unpriced Change Orders, and definitized actions and contracts.	1. All requests for an extension to the definitization period. 2. >$50K AI 16-01	All CAM 1301.71		Approval of request for extension to definitization period. AI 16-01		

Footnotes

The AGO Review and Approval Matrix is not all inclusive. The AGO Review and Approval Matrix captures the most common types of review and approvals for actions based of DOC and NOAA policy and commonly used competition justifications outlined in the FAR, which may not be addressed in DOC or NOAA acquisition policy.

1. Please reference the FAR, recently issued PMs, CAM chapters, the NAM, and AAs/AIs to identify any adjustments to the review and approvals or thresholds established after the issuance of this AI.

2. For the purposes of determining the dollar value, include the value of the base period amount plus all options; the total value regardless of the funding amount (incremental funding); and the maximum amount available for order under the contract inclusive of options (IDIQ/Requirements contracts).