

ACQUISITION INSTRUCTION (AI) 12-01

From: Mitchell J. Ross
Director, Acquisition and Grants Office (AGO)

Memorandum for: NOAA Acquisition Staff

Subject: Legal Review Requirements

I. Purpose

This Acquisition Instruction is to revise and establish procedures for the legal review of AGO contractual actions in accordance with Procurement Memorandum (PM) 2010-04 dated January 15, 2010. Pursuant to Department of Administrative Order 208-5 dated October 9, 1984, this AI is not applicable to grants.

II. Background

In accordance with the Commerce Acquisition Manuals 1307.1, the Office of General Counsel (OGC) is responsible for providing legal advice, counsel, review and concurrence of acquisition plans; and ensuring acquisitions are legally sufficient. Applicable procurement actions shall be reviewed and signed by the Contracting Officer (CO), OGC representative, and Senior Bureau Procurement Official; with the OGC's signature certifying legal sufficiency. As the mission of NOAA continues to evolve; the legal review process for actions outlined in PM 2010-04 will need to be reviewed for consistency and applicability. This Acquisition Instruction provides specific procedures for complying with the above referenced requirements.

III. General Policy

The following process applies to all actions requiring OGC review:

- (1) All procurement milestone and acquisition plans for actions requiring OGC review shall incorporate fourteen (14) calendar days for completion of legal review;
- (2) Request for OGC review shall be made in writing and documented in the contract file;
- (3) The CO shall inquire in writing as to the status of OGC review after the tenth (10th) calendar day of submission and on the fourteenth (14th) calendar day of submission; and
- (4) If no response has been received from OGC within fifteen (15) calendar days of the request for legal review, the CO at their discretion; may proceed with the procurement action.

IV. Procedures

The CO or contract specialist shall prepare the SEC 526 Legal Review Form with the submission of the formal OGC review request. This form may be faxed, emailed or mailed to the appropriate point of contract within OGC. The contract file will document the transmittal of the

SEC 526 by including the email request, fax transmittal sheet or return receipt notification if the request was by mail. The fourteen (14) calendar day review process begins at the time of transmittal or receipt notification. If the OGC has not responded to the request for legal review or status notification; the CO must document the decision to proceed at their discretion due to the untimely response of OGC. This documentation may be written in the remarks block of the SEC 526 form and shall be initialed by the CO. OGC and the applicable Head of Contracting Office shall be notified of the COs decision to proceed with the action due to OGC's untimely response.

V. Effective Date

This AI is effective on the date of issuance and will remain in effect until superseded or revoked.

VI. Availability of Forms

The attached SEC 526 Legal Review Form, may be reproduced as needed.

VII. Information or Assistance

Questions concerning these procedures may be directed to Dale Henderson at (816) 823-3836, or via e-mail at dale.henderson@noaa.gov.

Attachment:
SEC 526 Legal Review Form

