



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

June 6, 2013

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross *MJ Ross*
Director

SUBJECT: Acquisition Instruction 13-01 NOAA Acquisition Review Board
Procedures

This memorandum is to provide the attached Acquisition Instruction 13-01, which establishes the NOAA Acquisition Review Board (ARB) procedures. The procedures are applicable to acquisitions with life-cycle costs exceeding \$10 million up to \$75 million; acquisitions below \$10 million where the Senior Bureau Procurement Official has determined the requirement highly sensitive or complex in nature; and Interagency and Other Special Agreements where funds are being transferred to another agency for execution, and have life cycle costs expected to exceed \$10 million up to \$75 million.

The Department of Commerce Office of Acquisition Management has revised the Departmental acquisition review process for acquisitions exceeding \$10 million. The revised process implemented a broader Acquisition Management Review program that widens management controls and execution established within the Bureaus. The revised process granted the Senior Bureau Procurement Official the authority to conduct internal review boards for acquisitions between \$10 million and \$75 million. This Acquisition Instruction sets forth the NOAA internal review board procedures.

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

Attachment:
Acquisition Instruction for NOAA Acquisition Review Board Procedures

Acquisition Instruction 13-01

NOAA Acquisition Review Board Procedures

A. Purpose

This Acquisition Instruction establishes policy and procedures to conduct a NOAA Acquisition Review Board (ARB). The ARB will assess compliance with law, regulation, policy and processes applicable to Department of Commerce (DOC) acquisition and identify best practices and areas of concern. The procedures are applicable to the following actions:

- Acquisition with life-cycle costs expected to exceed \$10 million up to \$75 million.
- Acquisition at or below \$10 million where the Senior Bureau Procurement Office (SBPO) has determined that the requirement is highly sensitive or complex in nature or requires greater oversight due to exceptional circumstances.
- Interagency and Other Special Agreements where funds are being transferred to another agency for execution of an acquisition on behalf of DOC and with life-cycle costs expected to exceed \$10 million up to \$75 million.

B. Background

In May 2011, pursuant to CAM 1307.1, the Office of Acquisition Management (OAM) revised the Departmental acquisition review process for acquisition exceeding \$10 million. The revised process implemented a broader Acquisition Management Review program to widen the management controls and execution established within the Bureaus. This process focuses on execution rather than on specific acquisition.

The intent of the revised process is to streamline acquisition in DOC, re-focus the management and oversight responsibilities of OAM, and rely upon the expertise of the SBPO to determine the appropriate acquisition strategy. Under this revised process, the Senior Procurement Executive (SPE) granted the SBPO authority to conduct their own internal review boards for acquisition between \$10 million and \$75 million. This Acquisition Instruction sets forth the NOAA internal review board procedures.

C. Applicability

This review process is applicable to all acquisition, including but not limited to competitive and non-competitive contracts; new definitive contracts (including contracts for supplies, services, construction, repair and alteration); letter contracts; task/delivery orders issued against Federal Supply Schedule (FSS) contracts, Government-Wide Acquisition Contracts (GWACs), Multi-Agency Contracts (MACs), and Blanket Purchase Agreements (BPAs); single or multiple award Indefinite Delivery/Indefinite Quantity (IDIQ) contracts; leasehold interest in real property; Interagency Acquisition; and other such acquisition that the SBPO shall identify.

D. Types of NOAA ARB

NOAA will conduct two types of ARB procedures dependent upon the expected value of the contracting action. Both types of reviews fulfill the requirement for conducting a Bureau ARB as established in CAM 1307.1. The two types of reviews are:

1. ARB Paper Review: This review will be conducted for acquisition in excess of \$10 million up to \$50 million. The review will be conducted by means of a “paper review” of the Acquisition Plan by the Board members and other participants (see Section G).
2. Formal ARB: This review will be conducted for acquisition in excess of \$50 million as well as any acquisition that may be of special interest to the DOC SPE or other such acquisition that the SBPO shall identify. This review will be conducted in conjunction with a meeting of NOAA’s Project Management Council (PMC) (see Section H).

E. Waiver of NOAA ARB Requirement

The NOAA SBPO may waive the requirement to conduct a NOAA ARB for any procurement if requested by the Head of the Contracting Office (HCO). The request for waiver must be in memorandum format containing the details that explain the basis for the request and a recommended alternative action (Attachment 1). If the waiver is granted, it will cite any alternative review requirements.

F. DOC SPE Participation

The Senior Procurement Executive may serve on the NOAA ARB for all acquisition anticipated to exceed \$50 million, and any acquisition between \$10M and \$50M that may be of special interest to the Department. The OAM shall be afforded an opportunity to review all formal acquisition plans in order to determine if the requirement is of special interest or warrants a higher level of approval due to factors such as higher complexity or uncertainty, likelihood of provoking unusual public interest, or potential impact of any adverse contract performance. Where OAM has identified a requirement of special interest, the Acquisition and Grants Office (AGO) will be notified that the SPE, or appointed delegate, will participate in the NOAA ARB. Acquisition above \$75 million shall have both a NOAA ARB and a DOC ARB.

G. ARB Paper Review Procedures

1. The ARB shall be accomplished by means of a paper review of the Acquisition Plan. The ARB shall be comprised of the SBPO, Chief Financial Officer (CFO) representative, Chief Information Officer (CIO) representative (if applicable), Project Manager (PM), HCO, DOC Legal Counsel, and DOC SPE (if applicable). Additional participants may be included as determined on a case-by-case basis.
2. The Contracting Officer (CO) will manage the ARB Paper Review process and conduct it at the appropriate time in the acquisition cycle based on the established acquisition milestones.

3. The CO will distribute the Acquisition Plan to the ARB members and gather and reconcile any comments received. All required signatures shall be obtained on the Acquisition Plan, except for the SBPO approval, before the Plan is submitted to the Policy and Oversight Division (POD) for review.

4. After completion of the POD review process, the POD will forward the Acquisition Plan to both the SBPO and electronically to OAM_Mailbox@doc.gov for OAM review.

5. The CO will reconcile any required corrective actions identified by the SBPO within 10 business days. Upon completion of corrective actions, the CO will submit the Acquisition Plan, along with a summary of corrective actions taken, to the SBPO for approval using the Acquisition Plan Approval Sheet (Attachment 2).

H. Formal ARB Procedures

1. The ARB shall be comprised of the following senior-level officials from specialized functional areas:

- SBPO (Chair)
- NOAA Chief Resource & Operations Management
- NOAA Risk Officer
- NOAA CFO
- NOAA CIO (if information technology is being acquired)

The following participants will attend the ARB meeting:

- Executive Sponsor (LO/SO)
- PM
- DOC SPE (if acquisition is selected for participation)
- DOC Legal Counsel
- HCO
- CO

Additional participants may be included as determined by the SBPO on a case-by-case basis. Attendance may be in person or via video conference or telephone conference, as appropriate. In order to protect source selection sensitive information, attendance at the meeting will be restricted to only those attendees with a specific role in the acquisition review.

2. The POD will schedule the ARB with the PMC Secretary. It is incumbent upon the CO to coordinate with the POD to ensure that the acquisition review is requested and scheduled as early as possible in the procurement cycle to avoid procurement delays resulting from limited PMC dates.

3. The CO will obtain review of the Acquisition Plan by the POD and reconcile all review comments. All required signatures shall be obtained on the Acquisition Plan, except for the SBPO approval, before the Plan is submitted for SBPO review.

4. In conjunction with Acquisition Plan submittal, the CO shall provide all other documents required by CAM 1307.1, Section 5.6, to the POD. After completion of the POD

review process, the POD will forward the Acquisition Plan and other documents to both the SBPO and electronically to OAM_Mailbox@doc.gov for OAM review.

5. The CO will prepare and provide a PowerPoint presentation, in accordance with Attachment 3, to the POD. At least 14 business days prior to the scheduled ARB meeting date, the POD will send the PowerPoint presentation to the PMC Secretary for distribution to Board members.

6. At the conclusion of the ARB proceedings, the Board will approve, conditionally approve, or disapprove the action. Any required corrective actions identified by the Board will be completed by the PM and CO within 10 business days unless a longer period is specified in writing by the SBPO.

7. Upon completion of any required corrective actions, the CO will submit the Acquisition Plan to the SBPO, along with a summary of corrective actions taken, for approval using the Acquisition Plan Approval Sheet (Attachment 2).

I. Point of Contact

Questions regarding this Acquisition Instruction should be directed to:

Dale Henderson
Chief, Review and Analysis Team
Policy and Oversight Division
Phone: 816-823-3836
Email: dale.henderson@noaa.gov

Attachments:

1. Waiver Memorandum Template
2. Acquisition Plan Approval Form
3. NOAA ARB Presentation Requirements

Date: [insert date]
To: Senior Bureau Procurement Official
From: [insert Head of Contracting Office name and Division]
Subject: Waiver of NOAA ARB Requirements

Facts:

Basis:

SBPO Approval

- [] Approved
- [] Disapproved

Comments: _____

SBPO Signature

Date

**NOAA Acquisition Review Board
Acquisition Plan Approval
(Actions \$10 Million to \$75 Million)**

Acquisition Plan Title: _____

Total Estimated Dollar Value: _____

Line/Staff Office: _____ LO/SO POC: _____

AGO Acquisition Division: _____ AD CO: _____

TO: NOAA Senior Bureau Procurement Official Date: _____

This confirms that a NOAA Acquisition Review Board (ARB) was completed for this acquisition in accordance with the requirements of CAM 1307.1. The ARB method utilized for this action was:

Formal ARB conducted on _____

Paper review process completed on _____

All issues identified during the conduct of the ARB have been resolved and any necessary revisions to the Acquisition Plan completed.

Request your approval of this Acquisition Plan evidenced by your signature below and on the Acquisition Plan signature page.

CO Signature

SBPO Approval

Approved

Conditionally Approved; see comments below

Disapproved

Comments: _____

SBPO Signature

Date

NOAA ARB Presentation Requirements

Guidance:

Briefings should use a reasonable number of slides to succinctly convey the message, and liberal use of backup slides is encouraged. The scope and current status of the program/project/activity/investment and history of reviews will dictate the time allotment for the agenda item.

The briefing to the Review Board will be limited to the Primary presentation unless there is a need to look at Back-Up slides on a case-by-case basis. Back-Up slides are primarily targeted at Acquisition requirements that go beyond the needs of the Review Board.

A. PowerPoint Presentation

Introduction/Background/Status

(Suggested 6 slides maximum)

- Cover slide: Title, presenter name, date
- Agenda
- Purpose: Clearly state the desired outcome as a result of this informational/decisional briefing
- Background and Description information relevant to the briefing topic
- Current Status

Acquisition Management

- Market Research (describe the market research effort entered into and how it will determine the acquisition strategy, and present the alternatives analyzed in reaching the acquisition strategy)
- Acquisition Strategy (describe the acquisition strategy including the type of contract, length and special clauses or conditions and describe the small business approach)
- Evaluation and Source Selection Process (describe how the evaluation and selection process will be conducted)
- Acquisition Management (describe how the contract will be managed, provide the Government Independent Cost Analysis for the acquisition, discuss the performance measures in the Performance Based SOW, and describe the system that will be used to monitor cost, schedule, performance and report on deviations)
- Contractor Management.

Project/Program Management

- Budget: Total budget (life-cycle cost analysis) including contractor and governmental costs
 - *Budget should match Exhibit 300 submission. Justification required otherwise*
 - *List funding sources*
 - *IGCE*
- Schedule, Major Milestones and Key Decision Points
- Earned Value Management (EVM), if applicable
- Personnel: Staffing, both contractor and civil servant (PM, CO/CS, COR)
 - *Must clearly show their qualifications, including certification levels*
- Communication/Integration

Risk Management

- Key project risks associated with the acquisition and how the risks will be mitigated
- Top 5-10 risks, analysis, evaluation and mitigation strategies
 - a. **Should be depicted in a 5x5 Risk Diagram**
- Communication: Continuous Review and Monitoring
 - a. Clearly state how risk information is communicated to all levels in a consistent manner
 - b. Maintain risk history to capture lessons learned – *should be available upon request*

Wrap up slide

Back-up

B. Guidance to presenters

Minimum Required Documentation:

Presentation Slides

Acquisition Plan or Attachment A to Exhibit 300 (All signatures are required except SPE official prior to submission)

Draft solicitation sections C (SOW) and M (Evaluation Criteria); and B if available

Justification for Other than Full and Open Competition (as applicable)

CD-570/SDBUS documentation

Proposed Award Fee Plan/Performance Metrics if Award Fee or Incentive Fee.

Additional Documentation that may be required for the Review Process

(This list is not intended to be all inclusive.)

Risk Management Plan

Benefit Cost Analysis

Note: Briefing should use a reasonable number of slides to succinctly convey the message and liberal use of backup slides are encouraged. The scope of the program/investment and nature of the review will dictate the time allotment for the agenda item.

SEE THE FOLLOWING SAMPLE SLIDES
(Available on Acquisition and Grant Office Website)
http://www.ago.noaa.gov/about/contact_us.html#



(Project Title)

Background and Objectives: (Slide 6) Title: (Enter title) AAP# = XXXXX	Contracting method and considerations: FAR 36.6 –A/E, 5-year, IDIQ, Fixed price tasks : (Slide 9)
Statement of Need: (enter brief description)	Budgeting and funding: (enter line item description) (Slide 15)
Cost (life-cycle/design-to-cost/should-cost analysis) N/A	Product or service description/Priorities, allocations and allotments: Single allocation/allotment
Capability of performance: Qualification Based Selection process (slides 11-13)	Contractor vs Government performance/Inherently governmental functions: No issues, COR/CO assignment of work and review of products inherently governmental
Trade-offs/risks: Risks discussed in slides 18-20	Management information requirements/Make or buy/Test and evaluation: (enter description or “N/A”)
Plan of Action: Market Research in slide 9	Logistics considerations/Government furnished property/Environmental considerations/Government furnished information/Contractor access to government facilities or information: N/A
Competition: FAR XXX (slide 11)	Security and information technology security considerations/Contract administration: (slides 13-14)
Evaluation and source selection procedures (show relationship of evaluation factors to objectives of acquisition) (slides 11-12)	Other considerations: (enter description or “N/A”)

Source Selection Information – FAR Subparts 2.101 and 3.104.4

Introduction and Background

- Purpose
- Acquisition Team Members
- Background and Description Information

Acquisition Management

- Market Research
- Acquisition Strategy
- Evaluation and Selection Process
- Acquisition Management
- Contractor Management

Project/Program Management

- Budget
- Schedule
- Personnel
- Communication

Risk Management

- Key Project Risks
- Top 5 Risks
- Communication: Continuous Review and Monitoring

Obtain approval of the acquisition plan presented to acquire
(project title and purpose)

Acquisition Team Members

(Name) – Contracting Officer

(Title)

(Acquisition Division)/NOAA

(Name) – Contract Specialist

(Title if applicable)

(Acquisition Division)/NOAA

(Name) – Acquisition Project Manager

(Title)

(Functional Office/LO/NOAA)

(Name) – Technical Liaison

(Title)

(Functional Office/LO/NOAA)

(Name) – Legal Counsel (Title)

Office of General Counsel, Contract Law Division
Department of Commerce

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Background and Description

Brief Description of Need:

Program Background:

□

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Background and Description

Acquisition Background:

- (Address prior and/or current contracts, etc.)

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Current Status

- (Enter data on current contracts if applicable)

Contract No.

Firm Name

Business Size

- (Enter information on current contract(s) expiration date)

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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MARKET RESEARCH:

- Request for Information issued on (date) in an effort to locate firms capable of providing the requirement
 - (Discuss number/type of responses received; e.g., “3 LB, 4 SB”)
 - (Discuss results of analysis of responses received)
- Small Business Administration’s (SBA) Dynamic Small Business Search Engine queried using NAICS code and the term “xxxxxx”.
 - (Number) small businesses generated and evaluated from information available.
 - (Discuss results of analysis)

RESULTS:

- (Number) small businesses determined qualified
- SBA Procurement Center Representative approved on (date)
 - State whether requirement will be Unrestricted/sole source/set-aside

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Acquisition Strategy

(Sample Slide Language)

- Use of FAR (cite FAR reference and title) procedures
- Multiple Indefinite Delivery-Indefinite Quantity (IDIQ) contract awards based on qualifications
 - Solicit on a *full and open* basis with four (4) contract awards *reserved for small businesses*
 - Five year ordering period
 - Contract maximum ceiling is \$XXXM; to be shared among all IDIQ contracts
 - All Task Orders will be issued on a firm-fixed price basis

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Evaluation and Selection Process

(Sample Slide Language)

Evaluation Factors –

- In accordance with FAR XXX, offerors will be evaluated on:
 - (List evaluation factors and sub-factors)

Evaluation Board –

- (Address composition of selection board)

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Evaluation and Selection Process

(Sample Slide Language)

Source Selection Authority –

- Review recommendation of Evaluation Board
- Make Source Selection Decision

Negotiations –

- (Discuss negotiation procedures contemplated)

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Acquisition Management

(Sample Slide Language)

- Frequent communications between Program Office and (AGO AD)
- Data acquisition, delivery schedule and price negotiated for each task order
- Task orders will be issued to the highest qualified contract holder considering experience, capacity (personnel/resources), transit time, mobilization costs, availability, complexity, budget constraints and prior performance
- Task order schedule of deliverables will be tracked and monitored
- CORs and CO will record contractor performance in the Contractor Performance Assessment Reporting System

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Contractor Management

(Sample Slide Language)

- A COR will be assigned for each task order
- CORs will maintain regular communication with contractors
- CORs will monitor progress and performance of contractor through periodic communication, field and office visits and final product evaluation
- Deliverables submitted by contractors and will be reviewed, accepted (or rejected) by the COR
- Contractor reports progress monthly to CORs during data acquisition
- Contractors will be evaluated in CPARS at the task order level

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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- The total estimated value of this acquisition is \$XXXXX.
 - based on the Independent Government Cost Estimate (IGCE) of \$XXXXX.
 - The estimated budget allocation for (LO) is \$XXXXX per year (\$XXXXX over five years)
 - Line Item:
 - Appropriations Account:
 - Approximate break down by fiscal year:
 - (FY), \$XXXXX
 - (FY), \$XXXXX
 - (FY), \$XXXXX
 - (FY), \$XXXXX
 - (FY), \$XXXXX
 - (Enter additional pertinent data)

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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(Sample - enter pertinent milestones and dates)

- | | |
|--|--------|
| <input type="checkbox"/> Small business review/approval | (date) |
| <input type="checkbox"/> Approval of Acquisition Plan | (date) |
| <input type="checkbox"/> Solicitation approval | (date) |
| <input type="checkbox"/> Issue solicitation | (date) |
| <input type="checkbox"/> Receipt of proposals | (date) |
| <input type="checkbox"/> Proposal evaluation | (date) |
| <input type="checkbox"/> Conduct negotiations | (date) |
| <input type="checkbox"/> Final evaluation and Source Selection | (date) |
| <input type="checkbox"/> SBPO approval of award(s) | (date) |
| <input type="checkbox"/> Contract award | (date) |

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Contracting Officer

- (Name), (AD), (Title)
[FAC-C Level III]

Contract Specialist

- (Name), (AD), (Title)[FAC-C Level III]

Program Manager

- (Name), (Title) will receive Senior Project Manager certification by (Date)

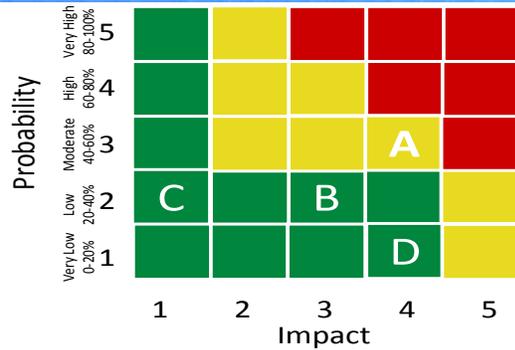
Contracting Officer Representative

- (Name), COR XX, (XX years experience as COR) Will receive COR III certification prior to award date
- (Name), COR XX (XX years experience as COR) Will receive COR III certification prior to award date
- (Name), COR XX (XX years experience as COR) Will receive COR III certification prior to award date

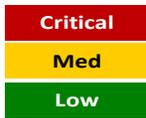
Key Project Risks

- Schedule Risk (discuss any schedule risks)

Risk Management



Criticality



ID	Risk
A	SCHEDULE: Moderate probability and moderate impact on schedule as existing contracts will expire between January and February 2014. Any delay in awarding new contracts could impact 2014 field season and emergent needs.
B	EXPERIENCE OF FIRMS: Low probability and low impact. Should response to FedBizOps be less than expected and/or firms who respond lack experience working for OCS, additional oversight or time may be needed for contract award and follow on task orders.
C	COST: Low probability and low impact on cost since individual task orders are firm fixed priced based on previously negotiated rates.
D	KEY PERSONNEL: Very low probability and low impact. Any shift in assigned Contracting Officer, Contract Specialist or Senior Program Manager could impact a timely contract award.

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Risk Communication

(Sample Slide Language)

- Schedule Risk is continuously monitored and assessed.
- Bi-Monthly status meetings are held between the Program and Acquisition Divisions, and includes Legal Counsel as well.
- Acquisition status reported weekly within (AGO AD) management structure
- The acquisition is identified and updated weekly in the AGO Director's Weekly Top-5 Report.

Source Selection Information - See FAR Subparts 2.101 and 3.104-4

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Your time and consideration in approving the acquisition strategy presented here today to acquire (project title), which will enable NOAA to (explain), is appreciated.

Any Questions...

Back-up slides follow....