




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

August 31, 2016

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross, 
Director

SUBJECT: Financial Assistance Alert 16-03 NOAA Acquisition and Grants
Office Ombudsman

The purpose of this Memorandum is to issue a Financial Assistance Alert establishing new NOAA policy for resolution of financial assistance concerns brought to the attention of the NOAA Acquisition and Grants Office (AGO) Ombudsman.

This policy was implemented to facilitate and foster improved communications with client organizations, industry, and the general public. Financial Assistance Alert 16-03 established the requirement for AGO grants officers to identify the AGO Ombudsman Program within announcements to the public, such as notices, announcements, and awards.

Questions pertaining to the FAA should be directed to Rafael Roman, NOAA AGO Ombudsman, at rafeal.roman@noaa.gov or by telephone at 301-628-1397.

Attachment

Financial Assistance Alert 16-03 NOAA Acquisition and Grants Office Ombudsman

FINANCIAL ASSISTANCE ALERT 16-03

NOAA Acquisition and Grants Office Ombudsman

This Financial Assistance Alert (FAA) is being transmitted to the Grants Management (GMD) for dissemination to the NOAA grants workforce and Grants Management Advisory Council (GMAC).

1. Purpose: The purpose of FAA 16-03 is to implement a new policy for facilitating and fostering improved communication with client organizations, industry, and the general public. This policy identifies the roles and responsibilities of the AGO Ombudsman. This official will be dedicated to removing communication barriers by serving as a neutral, independent intermediary on financial assistance matters.

2. Background: On October 9, 2011, the Department of Commerce (DOC) issued a Vendor Communication Plan outlining guidance relative to government engagements with non-government parties, and the strategy and policy for promoting fair, frequent and constructive dialogue between the DOC and parties wanting to do business, or who are doing business, with the federal government. While the issued Vendor Communication Plan was more directly intended for communication between government and industry relevant to federal contracts, general practices identified within that document can be construed as best practices within the federal financial assistance process.

3. Applicability: This policy is applicable to all NOAA Line and Staff Offices.

4. Policy: The following policy is implemented for resolution of concerns regarding grants, financial assistance, and cooperative agreements brought to the attention of AGO.

a. Resolution of Grants, Financial Assistance, and Cooperative Agreements Issues and Concerns

- i. Members of industry, the public, and client organizations shall first notify the respective grants officer to resolve their issues or concerns.
- ii. Grants officers shall have the primary responsibility for recognizing and resolving financial assistance issues or concerns identified by client programs, financial assistance aspirants/recipients, and the public.
- iii. When a presented financial assistance issue or concern cannot be resolved by a grants officer, then it shall be referred to the AGO Ombudsman by the respective grants officer. The attached document entitled “Referral to the AGO Ombudsman Memorandum Template” will be used to extend unresolved matters to the AGO Ombudsman. However, when an individual or organization has a bona fide reason to believe that they will not be treated reasonably, responsibly, and objectively by a grants officer, they may immediately access the AGO Ombudsman for consideration.

b. AGO Ombudsman Roles and Responsibilities

i. Liaison

1. Conducts outreach efforts with AGO staff, program clients, financial assistance aspirants/recipients, and the public.
2. Meets with AGO staff, clients, financial assistance aspirants/recipients, and the public to receive feedback and recommendations for the improvement of financial assistance processes, methodologies, and outcomes.
3. Fosters communication with AGO staff, clients, financial assistance aspirants/recipients, and the public to ensure that new technologies, approaches, and innovations are presented to NOAA.

ii. Independent Intermediary

1. Provides an independent, impartial and, when appropriate, confidential venue for individuals, organizations, financial assistance aspirants/recipients, and companies to be reasonably and responsibly considered.
2. Serves as an independent intercessor in issues involving financial assistance practices, procedures, initiatives, and/or developments.
3. Examines complaints about improprieties and other concerns involving financial assistance processes, initiatives, and/or developments.

iii. Training

1. Educates the grants workforce and program clients about proper interactions and communication with financial assistance aspirants/recipients and the public.
2. Educates financial assistance aspirants/recipients and the public about proper interactions and communication with the Government.

iv. Advisor

1. Reports to the AGO Deputy Director and supports other special project initiatives as directed.
2. Consults with AGO Management and NOAA leadership about specific concerns and issues raised by clients, financial assistance aspirants/recipients, and the public.

3. Works collaboratively with clients, financial assistance aspirants/recipients, and the public.

c. AGO Ombudsman Authorities

- i. Authorized to request information from each AGO Division in the examination of complaints submitted by clients, financial assistance aspirants/recipients, or the public.
- ii. Proposes solutions to concerns received or forums for the hearing of recommendations.
- iii. May seek expert assistance from within NOAA to better understand issues presented by a party.

d. Notice of the AGO Ombudsman Program

- i. Grants officers must identify the AGO Ombudsman in their initial grants, financial assistance, or cooperative agreements notices and announcements to the public, and in subsequent formal notices and documents, such as notices, announcements, and awards.
- ii. Upon execution of this FAA, the specialized language shall be incorporated into all new NOAA grants, financial assistance, and cooperative agreement awards, as addressed in the attachment to this policy entitled, *NOAA AGO Ombudsman Grants, Financial Assistance, and Cooperative Agreements Language*.

5. Effective Date: FAA 16-03 *NOAA AGO Ombudsman* and the requirement to include the NOAA AGO Ombudsman Grants, Financial Assistance, and Cooperative Agreements Language within all NOAA notices, announcements, and awards is effective on October 1, 2016.

6. Point of Contact: Questions pertaining to the FAA should be directed to Rafael Roman, NOAA AGO Ombudsman, at Rafael.Roman@noaa.gov or by telephone at (301) 628-1397.

Attachments

1. Standard Operating Procedure - AGO Ombudsman Program
2. [Referral to the AGO Ombudsman Memorandum Template](#)
3. NOAA AGO Ombudsman Grants, Financial Assistance, and Cooperative Agreements Language

STANDARD OPERATING PROCEDURE

AGO OMBUDSMAN PROGRAM

1. INTRODUCTION

The purpose of this Standard Operating Procedure (SOP) is to articulate the rules of engagement under the Ombudsman program established by the Acquisition and Grants Office (AGO) of the National Oceanic and Atmospheric Administration (NOAA).

The Ombudsman program is designed for the benefit of AGO staff, client organizations, financial assistance aspirants/recipients, and the general public. The Ombudsman will facilitate and foster meaningful communication with federal client organizations, financial assistance aspirants/recipients, and the general public. This official will be dedicated to removing communication barriers by serving as a neutral, independent intermediary on acquisition and financial assistance matters.

2. GOALS

A goal of the Ombudsman program is to strengthen NOAA's vendor relationships and supply chain management practices. In order to meet this goal, the Ombudsman will work with financial assistance aspirants/recipients and individual thought leaders who have a proven interest in the NOAA mission and are willing to invest in the bureau's mission advancement.

Another equally important goal is to improve the experiences of clients, financial assistance aspirants/recipients, and the public with AGO by promoting transparency and identifying opportunities for the streamlining of activities and the exchange of richer and more meaningful information.

3. BACKGROUND

On October 9, 2011, the Department of Commerce (DOC) issued a Vendor Communication Plan outlining guidance relative to government engagements with non-government parties, and the strategy and policy for promoting fair, frequent, and constructive dialogue between the DOC and parties wanting to do business, or who are doing business, with the federal government. While the issued Vendor Communication Plan was more directly intended for communication between government and industry relevant to federal contracts, general practices identified within that document can be construed as best practices within the federal financial assistance process.

4. APPLICABILITY

This SOP is applicable to all NOAA Line and Staff Offices.

5. RESOLUTION OF ISSUES AND CONCERNS

- a. Members of financial assistance aspirants/recipients, the public, and client organizations shall first notify the respective Contracting or Grants Officers to resolve their issues/concerns.
- b. Contracting and Grants Officers shall have the primary responsibility for recognizing and resolving procurement or financial assistance issues or concerns identified by clients, financial assistance aspirants/recipients, and the public.
- c. When a Contracting or Grants Officer cannot resolve a particular issue or concern, it shall be referred to the Ombudsman by the respective Contracting or Grants Officer. The attached document entitled “Referral to the AGO Ombudsman Memorandum Template” will be used to extend unresolved matters to the Ombudsman. However, when an individual or organization has a bona fide reason to believe that they will not be treated reasonably, responsibly and objectively by a Contracting or Grants Officer or manager, they may immediately access the Ombudsman for consideration.
- d. AGO staff seeking consideration regarding procurement or financial assistance issues may directly access the Ombudsman, but must understand that access to that official is an alternative venue to be used as appropriate.

6. OMBUDSMAN ROLES AND RESPONSIBILITIES

- a. Liaison
 - i. Conducts outreach efforts with AGO staff, clients, financial assistance aspirants/recipients, and the public.
 - ii. Meets with clients, financial assistance aspirants/recipients, and the public to receive feedback and recommendations for the improvement of acquisition and financial assistance processes, methodologies, and outcomes.
 - iii. Fosters communication with clients, financial assistance aspirants/recipients, and the public to ensure that new technologies, approaches, and innovations are presented to NOAA.
- b. Independent Intermediary
 - i. Provides an independent, impartial and, when appropriate, confidential venue for individuals and organizations to be considered reasonably and responsibly.
 - ii. Serves as an independent intercessor in issues involving acquisition and financial assistance practices, procedures, initiatives, and/or developments.
 - iii. Examines complaints about improprieties and other concerns involving acquisition and financial assistance processes, initiatives, and/or developments.

- c. Training
 - i. Educates the financial assistance workforce, as well as clients and the public, about proper interactions and communication between Government and financial assistance aspirants/recipients.
 - ii. Educates financial assistance aspirants/recipients about the proper interactions and communication with the Government.
- d. Advisor
 - i. Reports to the AGO Deputy Director and supports other special project initiatives as directed.
 - ii. Consults with AGO Management and NOAA leadership about specific concerns and issues raised by clients, financial assistance aspirants/recipients, and the public.
 - iii. Works collaboratively with clients, financial assistance aspirants/recipients, and the public, and helps support AGO's Small Business program.

7. OMBUDSMAN AUTHORITIES

- a. Authorized to request information from each AGO division in the examination of complaints submitted by clients, financial assistance aspirants/recipients, and the public.
- b. Proposes solutions to concerns received or forums for the hearing of recommendations.
- c. May seek expert assistance from within NOAA to better understand issues presented by a party.

8. OMBUDSMAN CONSTRAINTS

- a. The Ombudsman cannot bind AGO, NOAA, the Department of Commerce, or the U.S. Government.
- b. The Ombudsman has no Grants Officer, financial, security, technology, or program/project/task management decision-making authority or responsibility for entering determinations within those functionalities.
- c. The Ombudsman cannot judicially serve or be served as an agent of NOAA.
- d. Engagements with the Ombudsman will not stay processes or timelines for the invocation of any grantee rights with respect to protests, disputes, debriefings, Freedom of Information Act matters, litigation, etc.

- e. Ombudsman engagements will not excuse the untimely submittal of artifacts such as proposals/quotes; documentations and/or deliverables mandated by a Grants Officer; or a federal investigative, judicial, or congressional authority.
- f. Laws of any nature, to include regulations, statues, orders, or judicial mandates, as well as agency or bureau policies and directives, cannot be developed or modified by the Ombudsman.
- g. The Ombudsman will not interfere with any individual or organization once litigation or a formal remedial process has been initiated.

9. POINT OF CONTACT

Questions concerning this SOP should be directed to Rafael Roman, AGO Ombudsman at Rafael.Roman@noaa.gov.

Attachment

Case Handling Process

NOAA Acquisition and Grants Office

OMBUDSMAN CASE HANDLING PROCESS

GENERAL: Case processing strategies are founded on the principles of independence, neutrality, and confidentiality. In order for the case process to be constructive and effective, issues must be understood and well-defined, and facts must drive both the resolution and the disposition of each case. These conditions are predicated on openness, trust, and honesty. A case file must, therefore, include the following information, actions, and considerations:

1. A case cannot be accepted and a file cannot be opened unless the name, title, contact information, and employer of the party seeking Ombudsman involvement is voluntarily provided by the individual seeking Ombudsman intervention.
2. A file is comprised of an Ombudsman Case Sheet and its supporting documentation, including the Ombudsman Program Survey.
3. A Tracking Sheet is used to inventory all cases considered within a fiscal year and identify the status of each case.
4. The client (party seeking Ombudsman intervention) must divulge whether he/she has previously discussed or had the matter considered by someone else during the pursuit of a resolution, the name, title, and employer of that individual, and the disposition of that engagement.
5. Permission must be sought by the Ombudsman prior to discussing the case with someone other than the party seeking resolution. An exception to this practice occurs when communication is mandated by an individual with recognized authority and jurisdiction.
6. A client's expectations and sought objectives must be clearly understood.
7. A client's expectations, relative to the case process, resolution, and disposition must be responsibly managed. The express goal of the Ombudsman is to identify alternatives and facilitate resolution, and not necessarily to actively and directly resolve problems or conflicts.
8. Research must be performed by the Ombudsman (at times, with the assistance of the client) as advisable or required in order to find resolution.
9. The Ombudsman will provide or assist a client in obtaining general guidance that will lead or help lead them towards their objective. During matters involving problem

resolution, the Ombudsman will provide client support that does not impair the former's independence and objectivity, or the reasonableness and responsibility of his activities and guidance. In regards to conflict resolution, the Ombudsman does not represent the exclusive interests of his client, but is a facilitator who seeks a resolution that is fair, reasonable, and responsible.

10. Resolutions must be explained to the client, so that they understand the merits, challenges, and risks inherent in their path forward.
11. A case disposition notice is provided to the client when no further action can be taken or the matter has been resolved.
12. Upon notice of a case's disposition to a client, the respective file is closed and a Program Survey is provided to the client for completion and remission to the Ombudsman.

NON-CONSIDERATION: There are several types of activities that must be referred and cannot be entertained by the Ombudsman. Those activities include:

1. Matters in litigation;
2. Matters appealed before formal bodies;
3. Matters formally grieved;
4. Criminal or illegal activities;
5. EEO Complaints; and
6. Employment and labor related matters.

STANDARDS: During the disposition of his services, the Ombudsman holds himself to the following standards of conduct and professionalism:

1. Always being polite and professional during the rendering of service support.
2. Always being responsive (actively pursuing case resolution and follow-up with clients).
3. Treating entrusted information with respect and confidentiality.
4. Responding to client contacts and inquiries within 24 business hours.

5. In the interest of confidentiality, not communicating with clients using written memorandum, unless deemed advisable.
6. Providing case follow-up with clients no later than every 15 business days.
7. Striving to resolve cases within a 15 business day period.

CASE CATEGORIES: For the benefit of studies and assessments regarding the Ombudsman Program, cases will be classified under four general categories: General Assistance, Inquiries, Problem Resolution and Complaints.

RESOLUTION: The avenues for case resolution are:

1. General Assistance and Guidance;
2. Research;
3. Referral; and
4. Conflict Management (Defined as a process for managing client differences with another party(ies), wherein research, common understandings, and collaboration are interwoven to identify common interests and a resolution).

CLOSURE: Following case resolution, the case is designated as closed. A case is closed when one or more of the following occur:

1. No further action is required.
2. The request is referred to a more appropriate individual or organization for resolution.
3. No fair, reasonable, and responsible resolution is available. This alternative includes situations in which the Ombudsman is excluded from participation, such as during the course of litigation, formal appeals or grievances, EEO complaints, and other formal processes.

ASSESSMENTS: The Ombudsman Program includes mechanisms for gauging the Program's benefit and reception. The assessment process enables the Ombudsman to reinforce strong program elements, while simultaneously addressing areas in need of improvement. A periodic assessment and refinement cycle will promote increased improvement and indirectly benefit performance, thereby enhancing attention to NOAA's mission.

(Insert Date)

MEMORANDUM FOR: *(Insert Name/Point of Contact)*
 NOAA Acquisition and Grants Office Ombudsman

FROM: *(Insert Name)*
 (Insert Title / Organization)

SUBJECT: Referral to the Acquisition and Grants Office Ombudsman

In accordance with NOAA Acquisition Alert 16-05, the following issue is being referred to the Acquisition and Grants Office (AGO) Ombudsman.

Background: *(Insert the necessary background information on the action and include the following:)*

- The issue and the impact to Grants Officer (1st party);
- The issue and the impact to the financial assistance partner, financial assistance team member, or any other interested party members (2nd party);
- The actions taken to provide a response or to resolve the issue.
- The reason for the impasse.

Request for Action: *(Insert the action being requested)*

NOAA AGO Ombudsman Grants, Financial Assistance, and Cooperative Agreements Language

As prescribed in Financial Assistance Assistance Alert 16-03, use the following language in all grant, financial assistance, and cooperative agreement notices, announcements, and resulting award.

NOAA ACQUISITION AND GRANTS OFFICE OMBUDSMAN (OCT 2016)

- a. The NOAA Acquisition and Grants Office (AGO) Ombudsman is available to organizations to promote responsible and meaningful exchanges of information. Generally, the purpose of these exchanges will be to:
 1. Allow grantees to better prepare for and propose on business opportunities.
 2. Advise as to technologies and solutions within the marketplace that the Government may not be aware of, or is not fully benefiting from.
 3. Identify constraints in transparency and process.
- b. The AGO Ombudsman will objectively, reasonably, and responsibly collaborate with parties and recommend fair, impartial, and constructive solutions to the matters presented to him/her. Further, the AGO Ombudsman will maintain the reasonable and responsible confidentiality of the source of a concern, when such a request has been formally made by an authorized officer of an organization seeking to do business with, or already doing business with NOAA.
- c. Before consulting with the AGO Ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations with the respective grants officer for resolution. However, direct access to the AGO Ombudsman may be sought when an interested party questions the objectivity or equity of a grants officer's decision, or when there is a bona fide reason to believe that reasonable, responsible, and objective consideration will not be received from an assigned grants officer.
- d. There are several constraints to the scope of the AGO Ombudsman's authority, for instance:
 1. Consulting with the AGO Ombudsman does not alter or postpone the timelines of any formal process (e.g., protests, claims, debriefings, employee employer actions, activities involving A-76 competition performance decisions, judicial or congressional hearings, or proposal, amendment, modification or deliverable due dates, etc.).
 2. The AGO Ombudsman cannot participate in the evaluation of proposals, source selection processes, or the adjudication of protests or formal grant, financial assistance, or cooperative agreement disputes.
 3. The AGO Ombudsman is not authorized to generate or alter laws, judicial decisions, rules, policies, or formal guidance.

4. The AGO Ombudsman is not authorized to develop or alter opportunity notices, announcements, grant, financial assistance, or cooperative agreement awards, or their terms or conditions.
 5. The AGO Ombudsman cannot overrule the authorized decisions or determinations of the grants officer.
 6. The AGO Ombudsman has no authority to render a decision that binds AGO, NOAA, the Department of Commerce, or the U.S. Government.
 7. The AGO Ombudsman is not NOAA's agent relative to the service of magistrate or judicial process and cannot be used to extend service of process to another party (whether federal, public, or a private entity).
- e. After review and analysis of a filed concern or recommendation, the AGO Ombudsman may refer the interested party to another more suitable federal official for consideration. Moreover, concerns, disagreements, and/or recommendations that cannot be resolved by the AGO Ombudsman will need to be pursued through more formal venues.
- f. The AGO Ombudsman is not to be contacted to request copies of forms and/or documents under the purview of a grants officer. Such documents include Requests for Information, notices, announcements, amendments, grant awards, financial assistance awards, cooperative agreement awards, modifications and conference materials.
- g. Questions regarding this grants, financial assistance, and cooperative agreements language shall be directed to Rafael Roman, NOAA AGO Ombudsman, at Rafael.Roman@noaa.gov.

(End of grants, financial assistance, and cooperative agreements language)