

BUSINESS OPERATING PROCEDURE

BOP-03.03

Approved: 3-18-15

ACQUISITION COORDINATION AND APPROVAL PROCESSES



NATIONAL NUCLEAR SECURITY ADMINISTRATION Office of Acquisition and Project Management

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ACQUISITION COORDINATION AND APPROVAL PROCESSES

1. **PURPOSE.** The purpose of this document is to provide acquisition professionals with the guidance necessary to successfully process procurement actions, and:
 - a. Ensure compliance with laws, executive orders, regulations, policy issuances and procedures, and sound business practices;
 - b. Provide appropriate checks and balances and reasonable assurances against fraud, waste, and abuse;
 - c. Ensure acquisitions are properly planned, based upon clear, performance-based requirements and acquired by sound business practices and judgment, considering advice from subject matter experts, as appropriate;
 - d. Drive down decision making and accountability to appropriate levels by using risk based coordination and approvals; and
 - e. Promote streamlined acquisition processes consistent with mission, quality, and regulatory requirements.

This document includes the following process areas:

- Appendix 1: Non-Management & Operating instruments
- Appendix 2: Management & Operating (M&O) contracts
- Appendix 3: Contractor Human Resources (CHR)
- Appendix 4: Personal Property Actions

2. **CANCELLATION.**

- a. BOP- 003.0304R5, *Headquarters Approval of Contract Actions Process (CAP)*, dated 08-08-07.
- b. BOP-003.0601, *NNSA Contractor Human Resources (CHR) Policy Guidance*, dated 04-28-06.
- c. BOP-003.0601R1, *Contractor Human Resources (CHR) Policy and Approval of Actions Process*, dated 05-18-11.
- d. BOP-003.0506, *Coordination and Approval Process (CAP) for Personal Property Action*, dated 06-28-05.

3. APPLICABILITY.

- a. Federal. This applies to all National Nuclear Security Administration (NNSA) personnel that award contract actions, administer the resulting contracts or agreements, or otherwise obligate NNSA or non-NNSA funds. Refer to each appendix regarding additional conditions of applicability.
- b. Contractors. Does not apply to contractors.
- c. Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/Department of Energy (DOE) Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.

Refer to each appendix regarding any additional equivalencies and/or exemptions.

4. REQUIREMENTS. Refer to each appendix regarding unique requirements.
5. RESPONSIBILITIES. Refer to each appendix regarding unique responsibilities.
6. REFERENCES. Refer to each appendix for a list of references.
7. DEFINITIONS. Refer to each appendix for a list of definitions.
8. CONTACT. Director, Office of Acquisition Management, NA-APM-10 at 202-586-7439.

BY ORDER OF THE ADMINISTRATOR:



Joseph Waddell
Senior Procurement Executive

Appendices:

1. Coordination and Approval Process for Non-Management and Operating Actions
2. Coordination and Approval Process for Management and Operating Actions
3. Coordination and Approval Process for Contractor Human Resources Policy Actions
4. Coordination and Approval Process for Personal Property Actions
5. Coordination and Approval Process Flow Chart

APPENDIX 1: COORDINATION AND APPROVAL PROCESS FOR NON-MANAGEMENT AND OPERATING ACTIONS AND ALL ARCHITECT-ENGINEERING AND CONSTRUCTION RELATED ACTIONS

1. PURPOSE.

- a. Ensure compliance with laws, executive orders, regulations, policy issuances and procedures, and sound business practices;
- b. Provide appropriate checks and balances and reasonable assurances against fraud, waste, and abuse;
- c. Ensure acquisitions are properly planned, based upon clear, performance-based requirements and acquired by sound business practices and judgment, considering advice from subject matter experts, as appropriate;
- d. Drive down decision making and accountability to appropriate levels by using risk based coordination and approvals; and
- e. Promote streamlined acquisition processes consistent with mission, quality, and regulatory requirements.

2. APPLICABILITY.

- a. Federal. This applies to all National Nuclear Security Administration (NNSA) personnel that award contract actions, administer the resulting contracts or agreements, or otherwise obligate NNSA or non-NNSA funds and other personnel involved in processing NNSA Non-Management and Operating (M&O) contract actions, as well as M&O architect-engineering (A/E), and construction-related (e.g., actions in support of the project after achieving CD-0 through project closeout) contract actions.
- b. Equivalency.
 - (1) The dollar amounts specified in this BOP are the aggregate amount of the dollars related to the basic contract or agreement plus all changes made to that underlying contract or agreement to date (including all options). This is often called the potential value of the contract. This definition is in keeping with the threshold definitions in Federal Acquisition Regulation (FAR) 6.304.
 - (2) For the purpose of this Appendix, the term “contract actions” includes procurement and assistance related actions detailed in Exhibit 1, Non M&O Coordination and Approval Process Table. Unless otherwise noted, Exhibit 1 applies to Non-M&O actions.
- c. Exemption. If you believe you are exempt from some aspect of this BOP because of another policy issuance by NNSA, an exemption must be requested in writing

and specifically approved in writing by the Senior Procurement Executive (SPE). As appropriate, specific actions may be waived by the Head of the Contracting Activity (HCA).

3. REQUIREMENTS.

- a. All organizational elements within NNSA responsible for contract actions must comply with the NNSA CAP Table (Exhibit 1) unless they have obtained a specific written exemption from the SPE, or a written waiver from the HCA in accordance with paragraph 4.a.(3).
- b. Head of the Contracting Activity Coordination and Approval.
 - (1) The Deputy Director, Office of Acquisition Management, NA-APM-10, is the HCA for all Non-M&O contract actions, M&O construction actions, and M&O A/E actions regardless of dollar value. NOTE: For the purposes of this Appendix and Exhibit 1, HCA authorities and responsibilities for “non-M&O contract actions” also include M&O architect-engineering (A/E), and construction-related contract actions.
 - (2) The HCA may reserve the right to require coordination and approval of actions at their sole discretion, regardless of the estimated dollar value.
 - (3) Those involved in a review of contract actions may vary depending on the action being reviewed. Participation may include legal, small business, and/or program office representation and other members as may be appropriate for a given action.
 - (4) HCA approval of Non-M&O contract actions may be based on oral exchanges during formal briefings from the Contracting Officer to assigned staff. Briefings and exchanges will normally focus on strategies, approaches, methodologies, evaluations, assessments and decisions associated with contract actions. Following the briefing(s) the Contracting Officer shall document the outcome of the discussions in the official contract file. In addition, the documents submitted for HCA approval shall be placed in the contract file in their final form along with the signed Coordination and Approval Document (see Appendix 1, Exhibit 2).
 - (5) HCA approval of Non-M&O contract actions and subcontracts will be based on reviews of documentation as well as strategies, approaches, methodologies, evaluations, assessments and decisions.
 - (6) The HCA will provide an approval decision within five working days after conduct of oral briefings or receipt of required supporting documentation. In the event that additional time is required to review complex or novel requirements, the Contracting Officer will be notified of the delay, the rationale, and the expected length of delay.

- (7) Contract actions shall not be executed until the appropriate approvals in this BOP have been received. A record of reviews and approvals shall be included in every acquisition or financial assistance file that requires approval beyond the Contracting Officer; and, the Coordination and Approval Document may be included in each file that requires review or approval. An individual Coordination and Approval Document is not required for every action requiring review or approval if proof of the review and/or approval is otherwise evident.
- (8) For the review and approval process, copies of all documentation supporting the contract action must be submitted to the appropriate office. Documents to be submitted should be supportive of the particular action and the particular acquisition phase.

4. RESPONSIBILITIES.

- a. Deputy Director, Office of Acquisition Management, NA-APM-10:
 - (1) Establish policies, processes and procedures for Non-M&O contract actions.
 - (2) Ensure that all Non-M&O contract actions represent good business decisions for the NNSA and are supported by quality documentation.
 - (3) Coordinate or approve Non-M&O contract actions in Exhibit 1, or waive coordination and approval requirements for specific actions on a case-by-case basis.
- b. Non M&O Policy and Oversight Branch, Acquisition Policy and Oversight Division, NA-APM-141, or in the case of M&O Construction or Architect-Engineering actions, the Construction and Specialty Acquisition Branch, NA-APM-123, as applicable:
 - (1) Perform independent review/coordination of Non-M&O contract actions requiring HCA or Senior Procurement Executive (SPE) approval.
 - (2) Provide advice and assistance to the Contracting Officer to ensure contract actions represent good business decisions for NNSA and reflect high quality work products.
 - (3) Forward all Non-M&O documents to the HCA or the SPE for coordination or approval in accordance with this BOP.
- c. Field Office Managers/Deputy Field Managers or Designee (e.g. Business Manager) or Program Offices, as applicable:
 - (1) Implement this BOP for contract actions under their cognizance. This responsibility extends to assuring independent review of actions so that

individuals responsible for initiating an action do not coordinate on or approve the action.

- (2) For contract actions for which they have cognizance, perform the duties specified in applicable acquisition regulations as being performed at a level above the Contracting Officer or a level above the Substantial Preparer, as applicable.
 - (3) Perform the “Manager/Field Office” duties specified in Exhibit 1 (Note: Some actions may require a Contracting Officer Warrant).
- d. The Office of the General Counsel, NA-GC (or, in cases where the contracting action originates at a field office, the Field Office Counsel), will provide a single set of coordinated advisory comments regarding legal, fiscal, and patent input.
- e. Contracting Officers, Office of Acquisition Management, NA-APM-10, APM, or Field Offices:
 - (1) Ensure contract actions represent good business decisions for NNSA and reflect high quality work products.
 - (2) Ensure that contract actions are reviewed and receive the level of coordination and approval as required in Exhibit 1 of this BOP.
 - (3) Ensure that copies of all necessary file documentation and any additional supporting documents are submitted through the Non M&O Policy and Oversight Branch, NA-APM-143 or in the case of M&O Construction or Architect-Engineering actions, the Construction and Specialty Acquisition Branch, NA-APM-123, for submission to the HCA or the SPE, as applicable.
 - (4) Plan the solicitation, evaluation, and award of contract actions in a manner that precludes the need for expedited coordination and approval.
 - (5) Resolve comments at each level prior to submission to the next higher level for review. After legal review takes place, if substantive or fundamental changes are made to the package as a result of subsequent reviews, the reviewing attorney will be notified of the changes to ensure the legal sufficiency of the action is not impacted. Ultimately, the Contracting Officer is to ensure this notification takes place prior to issuance of the action.
 - (6) The Contracting Officer has the authority to resolve comments, unless approval at a higher level is required, in which case, the approval authority that must agree with the disposition of comments.
 - (7) Ensure that contract and financial assistance actions have been fully coordinated through appropriate functional experts as necessary prior to

submission to the HCA or SPE. Subject areas requiring functional coordination may include, but are not limited to:

- (a) contract law,
 - (b) financial assistance law,
 - (c) appropriations law,
 - (d) intellectual property,
 - (e) real and personal property,
 - (f) contractor human resources,
 - (g) small business issues,
 - (h) environmental, safety and health (ES&H),
 - (i) National Environmental Policy Act (NEPA),
 - (j) DOE special authorities (e.g., barter, loan, guarantees), and
 - (k) NNSA implementation of DOE Order 413.3B "Program and Project Management for the Acquisition of Capital Assets," or successor Order, as applicable.
- (8) Contract actions shall not be executed until all the appropriate coordination and approval steps in this BOP have been accomplished. Where the review from a particular element is only to be conducted on a random basis (as opposed to 100% of the time), there will be a footnote stating such (see the NNSA CAP Table at Exhibit 1). In this event, the Non M&O Policy and Oversight Branch will utilize a sampling plan to determine whether the individual action will be randomly selected for review unless excluded as noted by the footnotes (e.g., Construction & A&E actions, Source Selections). Otherwise, all coordination and approval requirements are mandatory 100% of the time for that category of action unless exempted from review by the footnotes (e.g., subcontracts that fall within the approved Field Administrative Contracting Officer approval thresholds).

5. REFERENCES.

- a. Federal Acquisition Regulations, Title 48 CFR Chapter 1
- b. Department of Energy Acquisition Regulations, Title 48 Chapter 9
- c. 10 CFR 600, Financial Assistance

- d. DOE Guide to Financial Assistance, Update June 2008 or successor update
 - e. DOE Acquisition Guides
 - f. DOE Acquisition Letters
 - g. BOP-003.0303A, Contracting Authorities, February 5, 2009 or successor update
 - h. Designation of Authority and Delegation of Authority Order No. 00-003-01D to the Deputy Associate Administrator for Acquisition and Project Management October 28, 2013 or successor Designation/Delegation,
 - i. Designation of Authority and Redesignation of Authority to the Director, Office of Acquisition Management, February 09, 2014 or successor Designation/Delegation
 - j. Designation of Authority and Redesignation of Authority to the Deputy Director, Office of Acquisition Management, February 09, 2014 or successor Designation/Delegation
 - k. Contract Specialist Guide (CSG) 1.6, Review of Acquisition and Financial Assistance Actions, April 29, 2011 or successor update
6. CONTACT. Deputy Director, Office of Acquisition Management, NA-APM-10, at (505) 845-4903.

Exhibit 1: Non-M&O (Including all Architect and Engineering and Construction-Related Actions) Coordination and Approval Process Table

Exhibit 2: Coordination and Approval Document

**APPENDIX 1, EXHIBIT 1: NON-M&O (INCLUDING ALL ARCHITECT AND
ENGINEERING AND CONSTRUCTION-RELATED ACTIONS) COORDINATION AND
APPROVAL PROCESS TABLE**

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| Synopses, Pre-solicitation Notice Requirements and Source Selection Authority (SSA) | | | | | | | | | | | | | | | |
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| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S – Signature PA-Post Award Review Numbers reflect order in which to accomplish actions. | PR Initiator/Program Office | Small Business Program Manager | Competition Advocate | Contract Specialist | Contracting Officer | Program Official or SSA | Patent Counsel | Legal Counsel | Manager/Field Office | Independent Review | Head of the Contracting Activity | Senior Procurement Executive | Deputy or Associate Administrator | Administrator/NNSA | Agency Head (DOE) |
| <u>Synopsis/Pre-solicitation Notices</u> | | R2 (2) | | P1 | A3 | | | | | | | | | | |
| <u>Designation of Source Selection Authority FAR 15.3</u> All Other Procurement Actions | | | | P1 | R2 (1) | | | | | | S3 | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) When any Sources Sought/Requests for Statements of Capability are included in the Synopsis, the announcement must include Small Business Program Manager review and coordination.

| Simplified Acquisitions, Commercial Buys, and GSA Schedule (Solicitation, Amendment and Selection) (7) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|------------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Simplified Acquisitions (5) | | | | P1 | S2 | | | | | | | | | | |
| Commercial Items and Services (FAR 12.6) ≤ \$6.5M (5) (6) | | | | P1 | R2/ S4 | | | R3 (3) | | PA5 | | | | | |
| GSA Schedule Buys (including orders issued against BPAs) with a SOW (Services) | | | | P1 | R2/ S5 | | R3 (2) | R4 (3) | | | | | | | |
| Best Value ≤ \$1M | | | | | | | | | | | | | | | |
| > \$1M but ≤ \$6M | | | | P1 | R2/ S5 | | R3 (2) | R4 (3) | | PA6 | | | | | |
| > \$6M | | | | P1 | R2/ S6 (1) | | R4 (2) | R5 | | R3 | | | | | |
| With a SOW (Services) Low Price /Technically Acceptable Any \$ Value | | | | P1 | S2 | | | | | | | | | | |
| Without a SOW (Supplies) | | | | P1 | S2 | | | | | | | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) If relevant issues warrant such review as determined by the Contracting Officer.
- (3) For actions ≤ \$6M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M but ≤ \$6M, a post award legal review is mandatory if the action is selected for post award independent review.
- (4) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (5) If the requirement is for the rental or leasing of space, a Certified Realty Specialist shall perform the action (quasi-real property actions such as apartment lease <1 year, lease/temporary storage unit, not including warehouses, may be acquired via purchase order – ref. Real Property Desk Guide).
- (6) Commercial Items: This is applicable to acquisition of supplies or services that meet the definition of commercial items, covered by FAR 12.6 and does not include acquisitions conducted under Part 8. If greater than \$6.5M, the Solicitation & Amendments, Selection/Evaluation Documents and other applicable tables shall be used for coordination and approval.
- (7) If an amendment makes significant changes to the acquisition strategy or any significant changes to the solicitation, review is required in accordance with this page of the CAP. Otherwise, no review is required above the level of the Contracting Officer.

Acquisition Plans (All Non-FFP Contracts (1) Including Master, Federal Supply Schedules, Blanket Purchase Agreements, GWACs, Utility Contracts and Energy Savings Performance Contracts including Utility Energy Services Contracts (UESCs) and Power Purchase Agreements (PPAs)) (7)(10)(11)(12)(13)

| <u>ACTION CODES:</u> A - Approval C - Concurrence N - Notification P - Preparation R - Review & Comment S - Signature PA-Post Award Review Numbers reflect order in which to accomplish actions. | PR Initiator/Program Office | Small Business Program Manager | Competition Advocate | Contract Specialist | Contracting Officer | Program Official or SSA | Patent Counsel | Legal Counsel | Manager/Field Office | Independent Review (2) | Head of the Contracting Activity | Senior Procurement Executive | Deputy or Associate Administrator | Administrator/NNSA | Agency Head (DOE) |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|------------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
| <u>Acquisition Plans</u> | | | | | | | | | | | | | | | |
| < \$6M (5) | R2 | | R4 (3) | P1 | R3/A5 (6) | | | | | PA6 | (8) | (9) | | | |
| ≥ \$6M | R2 | R4 (4) | R5 (3) | P1 | R3/A7 (6) | | | | | R6 | (8) | (9) | | | |

- (1) (FAR 7.103) A written plan is not normally required for firm-fixed-price contracts but may be required as appropriate.
- (2) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (3) Coordination is required if the action proposes the use of other than full and open competition (FAR 7.104(c)).
- (4) The planner shall coordinate the acquisition plan or strategy with the cognizant small business specialist when the strategy contemplates an acquisition ≥ \$6M, unless the contract or order is entirely reserved or set-aside for small business under Part 19.
- (5) A milestone list from the contract writing system serves as the Acquisition Plan for actions less than \$6M if a milestone is inserted referencing determination in backup file that meets requirements of 16.103(d)(1) regarding contract type.
- (6) Acquisition plans for other than Firm Fixed Price contracts shall be approved at least one level above the Contracting Officer. (FAR 7.103(j))
- (7) For Utilities and Energy Savings Performance Contracts/Orders, regardless of dollar value, acquisition plans shall follow the same approval as if ≥ \$6M. Compliance with the DOE Sustainability Order 436.1 is required for all utility contracts to include ESPCs.
- (8) Note: Determination & Findings (D&F) are also required for various types of contracts. The HCA is required to approve the D&F for, but not limited to: Time and Material contract when the base period plus any option period exceeds three years; the use of incentive and award fee contracts; two-step sealed bidding; the use of multi-year contracts; and when the use of a single award BPA with a value exceeding \$103M, including any options, is contemplated.
- (9) The total of the basic and option periods/quantities shall not exceed 5 years in the case of services/supplies (FAR 17.204(e)). (Ref. DOE AL 2010-05, or successor policy, the Senior Procurement Executive shall approve the Acquisition Plan.)
- (10) Orders issued against BPAs are subject to the same coordination and approval requirements listed above; however, a streamlined Acquisition Plan addressing elements that have changed for orders issued under the BPA is acceptable.
- (11) It is recommended that legal be invited to any acquisition planning meetings, so that they can assist in identifying and resolving any foreseeable issues.
- (12) For acquisition plans associated with A/E and Construction projects ≥ \$50M, compliance with the DOE Order 413.3B, or successor Order, is required.
- (13) The Personal Property Branch must be consulted with for those actions that might involve personal property.

| Justification for Other Than Full and Open Competition, Limited Sources Justification, Sole-Source (including Brand Name) Justification for an Exception to Fair Opportunity (FAR 6.304, 8.405-6, 13.501, 16.505) (3) | | | | | | | | | | | | | | | |
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| >\$150K ≤ \$650K | P1 | | | | A2 | | | | | | | | | | |
| > \$650K but ≤ \$12.5M | P1 | | A6 | R2 | R4 (1) | R3 (2) | | R5 | | | | | | | |
| > \$12.5M but ≤ \$62.5M | P1 | | R7 | R2 | R4 (1) | R3 (2) | | R6 | | R5 | A8 | | | | |
| > \$62.5M | P1 | | R7 | R2 | R4 (1) | R3 (2) | | R6 | | R5 | R8 | A9 | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice for this requirement. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) A separate Program Official coordination is only necessary if the PR Initiator is someone other than the primary program representative.
- (3) Use of the exception at FAR 6.302-7 Public Interest requires Agency Head determination and is not redelegable.

| Small Business Waivers and Small Business Reviews (4) | | | | | | | | | | | | | | |
|--|------------------------------------|---------------------------------------|-----------------------------|----------------------------|----------------------------|--------------------------------|-----------------------|----------------------|----------------------|---------------------------|---|--------------------|-------------------|---|
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| <u>Small Business Waivers</u> | | | | | | | | | | | | | | |
| ≥ \$150K but ≤ \$3M | | R3 | | | R2 | P1 | | | | | A4 | | | |
| > \$3M | | R3 | | | R2 | P1 | | | | | R4 | (2) | | R5 A6 |
| <u>Small Business Review (DOE Form 4220.2)</u> | | | | | | | | | | | | | | |
| ≥ \$150K but ≤ \$3M | P1 | S4 (1) | | R2 | S3 | | | | | | | | | |
| > \$3M | P1 | S4 (1) | | R2 | S3 | | | | | | | R5 (2) | R6 (3) | |

- (1) Requires SBA concurrence on DOE F 4220.2 if not set-aside under a small business socio-economic program.
- (2) Includes DOE OSDBU review if > \$3M and was not exclusively reserved or set-aside under a small business socio-economic program.
- (3) Includes DOE Advanced Planning Acquisition Team (APAT) Review if >\$100M.
- (4) Small Business Waivers and Small Business Reviews should be worked concurrently.

| Solicitations and Amendments (e.g., Non-Competitive/Competitive FAR 12, 15, 16.505, 35, 36) (5) (6) (7) (8) (10) (11) (12) | | | | | | | | | | | | | | | |
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| <u>Draft and Final Solicitations & Amendments</u> (Excludes supply items) ≤ \$1M | | | | P1 | R2/ S5 | | R3 (2) | R4 (3) | | | (9) | | | | |
| > \$1M but ≤ \$6 M | | | | P1 | R2/ S5 (1) | | R3 (2) | R4 (3) | | PA6 | (9) | | | | |
| > \$6M | | | | P1 | R2/ S6 (1) | | R4 (2) | R5 | | R3 | (9) | | | | |

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- (2) If relevant issues warrant such review as determined by the Contracting Officer or General Counsel.
- (3) For actions ≤ \$6M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M but ≤ \$6M, a post award legal review is mandatory if the action is selected for post award independent review.
- (4) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (5) If an amendment makes significant changes to the acquisition strategy or any significant changes to Sections L or M of the solicitation, review is required in accordance with this page of the CAP. Otherwise, no review is required above the level of the Contracting Officer.
- (6) The Selection/Evaluation Plan must be submitted along with the final solicitation for review, unless otherwise agreed to by the HCA.
- (7) Task or delivery orders against priced Indefinite Delivery contracts are exempt. New task or delivery orders against unpriced Indefinite Delivery contracts follow the same review requirements as new contract actions.
- (8) Letter contract actions must be reviewed as if they were solicitations. (Also see Contract Awards table for D&F approval.)
- (9) IAW DEAR 915.201, approval for the use of solicitations for information or planning purposes shall be obtained from the Head of the Contracting Activity.
- (10) For CAP purposes, a letter request for proposal (model contract) is considered a solicitation action under this table.
- (11) For solicitation and amendments associated with A/E and Construction projects ≥\$50M, compliance with the DOE Order 413.3B, or successor Order, is required.
- (12) The Personal Property Branch must be consulted with for those actions that might involve personal property.

| Mistakes in Bid | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S – Signature PA-Post Award Review Numbers reflect order in which to accomplish actions. | PR Initiator/Program Office | Small Business Program Manager | Competition Advocate | Contract Specialist | Contracting Officer | Program Official or SSA | Patent Counsel | Legal Counsel | Manager/Field Office | Independent Review | Head of the Contracting Activity | Senior Procurement Executive | Deputy or Associate Administrator | Administrator/NNSA | Agency Head (DOE) |
| <u>Mistakes in Bid</u> Mistakes Disclosed Before Award – Apparent Clerical Mistakes (FAR 14.407-2) | | | | P1 | A2 | | | | | | | | | | |
| Mistakes Disclosed Before Award – Other (FAR 14.407-3 & DEAR 914.407-3) Regardless of dollar value | | | | P1 | R2 (1) | | | C4 | | R3 | A5 | | | | |
| Mistakes After Award (FAR 14.407-4 & 33.2, DEAR 914.407-4) | | | | P1 | R2 (1) | | | R4 | | R3 | R5 | A6 | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.

| Cancellation of Invitation for Bids/Solicitations, Rejection of all Proposals | | | | | | | | | | | | | | | |
|--|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| <u>Cancellation of Invitation for Bids</u> Cancellation of Invitations for Bids <u>Before</u> Bid Opening (FAR 14.209) | | | | P1 | A2 | | | | | | | | | | |
| Cancellation of Invitations <u>After</u> Bid Opening (FAR 14.404-1 & DEAR 914.404-1 (c)) Regardless of dollar value | | | | P1 | R2 (1) | | | R4 | | R3 | A5 | | | | |
| <u>Cancellation of Solicitations</u> (FAR 15.206(e)) | | | | P1 | R2/A6 (1) | R3 | | R5 | | R4 (2) | | | | | |
| Rejection of all Proposals under Competitive Negotiated Acquisitions (FAR 15.3) | | | | P1 | R2 (1) | A5 | | R4 | | R3 (2) | | | | | |

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- (2) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) The Contracting Officer's judgment must be formally documented only when a significant issue concerning potential organizational conflicts of interest exists.
- (3) If a significant potential OCI arises after receipt of proposals, the same coordination and approval will apply as if "known prior to solicitation".

| Selection/Evaluation Documents (Applicable to FAR 12, 15, 16.5, 35, 36) (Excludes Supplies) (5) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|------------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| <u>Selection/Evaluation Plans (4)</u> ≤ \$6M > \$6M | | | | P1 | R2 (1) | S4 | | R3 (2) | | PA5 | | | | | |
| <u>Selection/Evaluation Reports (6)</u> ≤ \$6M > \$6M | | | | P1 | R2 (1) | | | R3 (2) | | PA4 | | | | | |
| <u>Selection Determination (7)</u> ≤ \$6M > \$6M | | | | | R2 (1) | P1/ S4 | | R3 (2) | | PA5 | | | | | |
| | | | | | R2 | P1/ S5 | | R4 | | R3 | | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) For actions ≤ \$6M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M but ≤ \$6M, a post award legal review is mandatory if the action is selected for post award independent review.
- (3) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (4) The Selection/Evaluation Plan must be submitted with the solicitation for review, unless otherwise approved by the HCA.
- (5) Task or delivery orders against priced Indefinite Delivery contracts are exempt. New task or delivery orders awarded against unpriced Indefinite Delivery contracts follow the same review requirements as new contract actions.
- (6) The Selection/Evaluation Report must be reviewed at the appropriate level prior to briefing the Source Selection Authority (SSA).
- (7) The SSA (if other than the Contracting Officer) will prepare the Source Selection Determination. The Contracting Officer and the SEB/IPT technical members, with advice from the Attorney, may assist in writing the decision. However, the SSA has the ultimate responsibility for the Selection Document.

| Pre-Negotiation Plans (5) (6) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Pre-Negotiation Plan | | | | P1 | S2 (1) | | | | | | | | | | |
| ≤\$1M | | | | P1 | S2 (1) | | | | | | | | | | |
| > \$1M but ≤ \$6 M | | | | P1 | S2 (1) | | | | | PA3 (2) | | | | | |
| >\$6M | | | | P1 | R2/ S7 (1) | | R4 (3) | R5 (4) | | R3 | A6 (7) | | | | |

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- (2) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (3) If patent issues exist.
- (4) Legal Review is only required for negotiations related to terms or conditions of the contract, or when the CO or HCA require advisory input.
- (5) Task or delivery orders against priced Indefinite Delivery contracts are exempt. New task or delivery orders awarded against unpriced Indefinite Delivery contracts follow the same review requirements as new contract actions.
- (6) Price/Cost Estimating Branch, NA-APM-144, assistance/analysis is mandatory for all proposals over \$1M, unless otherwise waived.
- (7) Approval at the Pre-negotiation level may include a % or dollar value limit imposed by the HCA prior to negotiations.

| Contract Awards (Including Task & Delivery Orders, Letter Contracts & Options) (5)(6)(7) | | | | | | | | | | | | | | |
|---|------------------------------------|---------------------------------------|-----------------------------|----------------------------|----------------------------|--------------------------------|-----------------------|----------------------|-----------------------------|---------------------------|---|-------------------------------------|--|---------------------------|
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| Contract Award | | | | P1 | S2 | | | | | | | | | |
| ≤ \$1M | | | | P1 | S2 | | | | | | | | | |
| > \$1M but ≤ \$6M | | | | P1 | S2 | | | | | PA3 (3) | | | | |
| > \$6M | | | | P1 | R2/S4 | | | | | R3 (3) | | | | |
| Letter Contract – written determination (FAR 16.603-3) (4) | | | | P1 | R2/S7 (1) | | R4 (2) | R5 (2) | | R3 | A6 | | | |
| Use of Options | | | | P1 | S2 | | | | | | | | | |
| Exercise of Options | | | | P1 | S2 | | | | | | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) If relevant issues warrant such review as determined by the Contracting Officer.
- (3) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects, and Source Selections (i.e., where a Board or Panel is established) over \$10M are excluded from random sampling.
- (4) Letter contracts and their definitization follow the same coordination and approval process as definitized contracts (e.g., Solicitations and Amendments and Pre Negotiation Plans tables).
- (5) Task or Delivery Orders against priced Indefinite Delivery contracts are exempt. New task or delivery orders awarded against unpriced Indefinite Delivery contracts follow the same review requirements as new contract actions.
- (6) Undefinitized task orders/contract actions and their definitization (e.g., Pre-Negotiation Plans, etc.) are subject to the same review and approval requirements as Letter Contracts noted above.
- (7) For task orders/contract actions associated with A/E and construction projects ≥ \$50M, compliance with DOE Order 413.3B or successor order is required.

| Protests | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S – Signature PA-Post Award Review Numbers reflect order in which to accomplish actions. | PR Initiator/Program Office | Small Business Program Manager | Competition Advocate | Contract Specialist | Contracting Officer | Program Official or SSA | Patent Counsel | Legal Counsel | Manager/Field Office | Independent Review | Head of the Contracting Activity | Senior Procurement Executive | Deputy or Associate Administrator | Administrator/NNSA | Agency Head (DOE) |
| <u>Protests (FAR 33.103/104 & DEAR 933.103/104)</u> | | | | | | | | | | | | | | | |
| <u>Agency Level Protest Decision</u> | | | | P1 | R2 (1) | | | R4 | | R3 | S6 | N5 (2) | | | |
| <u>All dollar thresholds</u> | | | | | | | | | | | | | | | |
| <u>Decision to Continue with Award or Performance</u> | | | | P1 | R2/ S7 (3) | | | R3 | | N4 | N5 | N6 | (4) | | |
| <u>Corrective Relief</u> | | | | P1 | R2 (1) | | | R4 | | R3 | A5 | | | | |
| <u>GAO Level Protest Notice of Protest</u> | | | | P1 | R2 | | | | | | | | | | |
| <u>Agency Report</u> | | | | P1 | R2 (1) S7 | | | R4 | | R3 | N5 | N6 | | | |
| <u>Decision to Continue with Award or Performance</u> | | | | P1 | R2 (1) | | | R4 | | R3 | R5 A8 | C7 | R6 (4) | | |
| <u>Decision not to Comply with a GAO Recommendation</u> | | | | P1 | R2 (1) | | | R4 | | R3 | R5 S8 | A6 (5) | | N7 | |

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- (2) Protest decided by the Senior Procurement Executive if:
 - Protester requests decision by the Procurement Executive;
 - HCA is the Contracting Officer at the time the protest is filed, having signed either the solicitation where the award has not been made, or the contract, where the award or nomination of the apparent successful offeror has been made; or
 - HCA concludes that one or more of the issues raised in the protest have the potential for significant impact on NNSA acquisition policy.
- (3) Approval must be granted at one level above the Contracting Officer.
- (4) Endorsement required by the Deputy or Associate Administrator.
- (5) If a DOE wide policy issue is involved, the Report shall be provided by the Senior Procurement Executive.

| Modifications (7)(8) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-----------------------------|----------------|---------------|----------------------|------------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Aggregate amount of modification, other than Funding & Administrative | | | | P1 | R2/S5 | R3 | R4 (2) | | | | | | | | |
| ≤ \$1M | | | | | | | | | | | | | | | |
| > \$1M but ≤ \$6M | | | | P1 | R2/S7 (1) | R3 | R4 (2) | R5 (3) | | PA6 | | | | | |
| > \$6M | | | | P1 | R2/S7 (1) | R3 | R5 (2) | R6 | | R4 | | | | | |
| Or when a Modification will increase the total value to an amount | | | | P1 | R2/S7 (1) | R3 | R5 (2) | R6 | | R4 | | | | | |
| > \$6M | | | | | | | | | | | | | | | |
| Incremental Funding or Administrative Modifications (regardless of dollar value) (6) | | | | P1 | S2 | | | | | | | | | | |

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- (2) If relevant issues warrant such review as determined by the Contracting Officer.
- (3) For actions ≤ \$6M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M but ≤ \$6M, a post award legal review is mandatory if the action is selected for post award independent review.
- (4) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects are excluded from random sampling.
- (5) Program concurrence is not required but may be requested at the discretion of the CO.
- (6) Incremental Funding actions are executed by the CO, but exempt from formal Coordination and Approval Document (reference paragraph 3.b.(7)).
- (7) Issuance of a Stop Work Order shall be approved at least one level above the Contracting Officer (FAR 42.1303(b)).
- (8) Unfinalized modifications and their finalization (e.g., Pre-Negotiation Plans, etc.) are subject to the same review and approval requirements as Letter Contracts. See footnote (6) under Contract Awards.)

| Terminations (3) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Terminations (complete or partial) & Settlement Review Boards (SRBs) (FAR 49, DEAR 949) | | | | | | | | | | | | | | | |
| Notification to the Senior Procurement Executive (2) | | | | P1 | R2/ S9 | R3 | N4 | R5 | | N6 | N7 | N8 | | | |
| <u>Terminations</u> Regardless of Dollar Value | | | | P1 | R2/ S7 | R3 | R5(1) | R6 | | R4 | | | | | |

- (1) Coordination required when patent issues exist. Termination of prime contracts for the operation of Government-owned facilities requires the transfer of intellectual property to the successor contractor and clearance through Patent Counsel.
- (2) IAW DEAR 949.101, the Senior Procurement Executive shall be notified prior to taking any action to terminate (a) contracts for the operation of Government owned facilities, (b) any prime contract or subcontract in excess of \$10 million, and (c) any contract the termination of which is likely to provoke unusual interest.
- (3) IAW DEAR 949.111 Review of proposed settlements, The Heads of Contracting Activities shall establish settlement review boards for the review of each termination settlement or determination of amount due under the termination clause of a contract or approval or ratification of a subcontract settlement when the action involves \$50,000 or more.

| Extraordinary Contractual Actions, and Waiver for Submission of Cost or Pricing Data | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| <u>Other Contractual Actions</u> Extraordinary Contractual Actions Indemnification under PL 85-804 (FAR Part 50) ≤ \$50K | | | | | P1 | | | P2 | R3 | R4 | R5 | A7 (2) | R6 | (2) | (2) |
| > \$50K | | | | | | | | P1 | R2 | R3 | R4 | R5 | R6 | R7 | A8 |
| Waiver Required for Submission of Cost or Pricing Data in Exceptional Cases (FAR 15.403-1(c)(4)) | | | | P1 | R2 (1) (3) | | | R4 | | R3 | A5 | | | | |
| All dollar thresholds | | | | | | | | | | | | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) IAW FAR 50.102-1(d), regardless of dollar amount, authority to indemnify against unusually hazardous or nuclear risks, including extension of such indemnification to subcontracts, shall be exercised only by the Secretary or Administrator of the agency concerned, the Public Printer, or the Chairman of the Board of Directors of the Tennessee Valley Authority. Also, IAW Acquisition Guide Chapter 50.1, only the Secretary of Energy may grant request for extraordinary contractual relief under Public Law No. 85-804 where relief is for indemnification of any value against unusually hazardous or nuclear risks or any approval of the retroactive application of Pub. L. No. 85-804 and would be limited to the circumstances explicitly identified in such Secretarial approval.
- (3) Coordination with the Pricing/Cost Estimating Branch, NA-APM-144 is required.

| Purchasing System Approvals, Precontract Costs and Ratifications | | | | | | | | | | | | | | | |
|--|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|--------------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Purchasing System Approvals (Non M&O) | | | | P1 | A2 | | | | | | | | | | |
| Precontract Costs Precontract Costs – period greater than 15 days (FAR 31.205-32 and DEAR 931.205-32) All dollar thresholds | | | | P1 | R2 (1) | | | | | R3 | A4 (3) | N5 (3) | | | |
| Ratifications (FAR 1.602-3) ≤ \$25K | | | | P1 | R2 | | R4 (2) | R5(4) | | R3 | A6 | | | | |
| >\$25K | | | | P1 | R2 | | R4 (2) | C5(4) | | R3 | R6 | A7 | | | |

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- (2) If relevant issues warrant such review as determined by the Contracting Officer.
- (3) IAW DEAR 931.205-32(b)(1) Pre-contract cost authorizations shall not be used to cover a period in excess of 15 days, unless a longer period is approved by the HCA based upon a written finding that such an allowance is reasonable, and shall not be extended or renewed. A copy of the findings shall be forwarded to the Senior Procurement Executive at the time of approval. If prolonged coverage is necessary, a letter contract shall be issued.
- (4) IAW FAR 1.602-3 The Contracting Officer recommends payment and legal counsel concurs in the recommendation.

| Subcontract Consents | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| <u>Subcontract Consents (FAR 44.2)</u> Subcontract Consents, when required (Non-M&O) ≤ \$10M | R2 | | | P1 | S3 | | | | | | | | | | |
| > \$10M | R2 | | | P1 | R3/ S6 (1) | | | R5 | | R4 | | | | | |
| <u>Subcontract Consents (DEAR 970.4401-2)</u> Subcontract Consents for M&O Architect & Engineering or Capital Construction and Related Actions (2) (3) | | | | | R1/ S5 | | | R2 | | R3 | A4 | | | | |

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- (2) For M&O subcontract consents, Contracting Officer means Field Administrative Contracting Officer (ACO) and Legal Counsel means Field Counsel or General Counsel.
- (3) A subcontract that exceeds the ACO approval shall be reviewed by the Construction and Specialty Acquisition Branch (NA-APM-123) and approved by the HCA.

| Financial Assistance Instruments (10 CFR 600) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|--------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
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| Determination of Restricted Eligibility (10 CFR 600.6) < \$1M | P1 | | | R2 | A3 | | | C5 | | R4 | A6 | | | | |
| ≥ \$1M | P1 | | | R2 | R3 | A6 (5) | | C5 | | R4 (4) | | | | | |
| Determination of Non-Competitive Financial Assistance (10 CFR 600.6) < \$1M | P1 | | | R2 | A3 | | | C5 | | R4 | A6 | | (6) | | |
| ≥ \$1M | P1 | | | R2 | A3 | A7 (5) | | C5 | | R4 | R6 | | (5) | | |
| Solicitations and Awards (7) (8) (9) | | | | P1 | R2/ S6 (1) | | R3 | R4 (3) | | PA5 (4) | (8) | | | | |
| ≤ \$6M | | | | | | | | | | | | | | | |
| > \$6M | | | | P1 (2) | R2/ S6 (1) | | R4 | R5 | | R3 (4) | (8) | | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) Pricing/Cost Estimating Branch, NA-APM-144, assistance is required for all new awards exceeding \$5M.
- (3) For actions ≤ \$6M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M but ≤ \$6M, a post award legal review is mandatory if the action is selected for post award independent review.
- (4) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch.
- (5) Approved, prior to award, by the responsible program Assistant Secretary, Deputy Administrator, or official of equivalent authority and the Contracting Officer. The approval authority may be delegated to one organizational level below the Assistant Secretary, Deputy Administrator, or official of equivalent authority.
- (6) If the authority being used is 10 CFR 600.6(c)(8), public interest or supports an Earmark, the DNFA must be approved by the responsible Program Assistant Secretary, Deputy Administrator, or other official of equivalent authority. If this is the case, the review procedures for greater than \$1M must be used.
- (7) If the basic instrument was reviewed in accordance with this CAP, a review of any renewal is not required unless the new value causes the instrument to be greater than the original CAP review threshold, then that new CAP threshold would apply.
- (8) Project periods for both grants and cooperative agreements should generally be no longer than five (5) years in length, unless a longer project period is approved one level above the Contracting Officer. A determination and findings should be included in the award file that provides justification that the longer project period is necessary for the success of the project if the original or extended project period is longer than 5 years (a one-time no-cost extension does not require approval above the Contracting Officer).
- (9) The Personal Property Branch must be consulted with for those actions that might involve personal property.

| Interagency Agreements (IAs) and IA Modifications (5)(7) | | | | | | | | | | | | | | | |
|---|-----------------------------|--------------------------------|----------------------|---------------------|---------------------|-------------------------|----------------|---------------|----------------------|------------------------|----------------------------------|------------------------------|-----------------------------------|--------------------|-------------------|
| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S – Signature PA-Post Award Review Numbers reflect order in which to accomplish actions. | PR Initiator/Program Office | Small Business Program Manager | Competition Advocate | Contract Specialist | Contracting Officer | Program Official or SSA | Patent Counsel | Legal Counsel | Manager/Field Office | Independent Review (4) | Head of the Contracting Activity | Senior Procurement Executive | Deputy or Associate Administrator | Administrator/NNSA | Agency Head (DOE) |
| <u>Interagency Agreements (FAR 17.5, 41.206) Funds-Out Only</u> ≤ \$1M | | | | P1 | R2/ S3 (1) | | | | | | (2) | (6) | | | |
| > \$1M | | | | P1 | R2/ S4 | | | R3 (3) | | PA5 | (2) | (6) | | | |

- (1) If the Substantial Preparer of the document is the Contract Specialist, the Contracting Officer's coordination and review will suffice. However, if the Contracting Officer is the Substantial Preparer of the document, coordination and review must be accomplished at least one level above the Contracting Officer.
- (2) Conditioned upon Contracting Officer determination that no contracting or subcontracting opportunities exist. If contracting or subcontracting opportunities do exist, coordination through the Deputy Director of OAM must be accomplished.
- (3) For actions ≤ \$1M, if relevant issues warrant such review as determined by the Contracting Officer. Exception: For actions > \$1M, a post award legal review is mandatory if the action is selected for post award independent review.
- (4) Independent Review required only if selected based on random sampling, the frequency of sampling being determined based on an HCA approved sampling plan which takes into account the prior track record of the Section or Branch. Architect-Engineering and Construction for Capital Asset Projects are excluded from random sampling.
- (5) If the original interagency agreement was reviewed in accordance with this CAP, review of individual modifications is not required unless the modification adds new work not contemplated in the original award. If the basic award was not reviewed in accordance with this CAP, or the period of performance is being extended past five years, a review of the individual modification, to include the basic award, will serve as the required review of the entire award.
- (6) The supporting Determination and Findings (17.502-2) approval may not be delegated below the Senior Procurement Executive of the requesting agency if the servicing agency is not covered by the Federal Acquisition Regulation.
- (7) For interagency agreement actions associated with A/E and construction projects ≥ \$50M, compliance with DOE Order 413.3B or successor order is required.
- (8) The Personal Property Branch must be consulted with for those actions that might involve personal property.

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APPENDIX 1, EXHIBIT 2: COORDINATION AND APPROVAL DOCUMENT SAMPLE



| COORDINATION & APPROVAL DOCUMENT | | | | |
|--|--------------|------------------|---|-------------|
| TITLE OF DOCUMENT: (Document should be titled to reflect the particular CAP Action requiring review e.g., "Acquisition Plan" or "Pre-Negotiation Plan", to include the Total Estimated Dollar Value of the action, as applicable.) <div style="text-align: right;"> Contract Type _____ Estimated Value \$ _____ </div> | | | Document No. Modification/Amendment Number | |
| DESCRIPTION: (The description should adequately describe the specific requirement and ultimate Program Office) <div style="text-align: right;"> Program Office: _____ </div> | | | Office: Section/Branch: POC Name and Telephone Number: | |
| You are requested to review the attached document and indicate your coordination/approval in the space provided. Comments/Non-concurring statements should be attached on a separate sheet. Check appropriate box for comments. | | | | |
| COORDINATING/APPROVING OFFICE (Note: A sample solicitation action is below. You must include the appropriate order required by each specific action.) | ORDER | SIGNATURE | COMMENTS (Note: comments must be attached.) | DATE |
| Contract Specialist | P1 | | | |
| Contracting Officer | C2/S6 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 1 level above the Contracting Officer (if CO is the substantial preparer) | * | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Patent Counsel (NA-GC) | C3 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Legal Counsel (NA-GC) | C4 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Independent Review | C5 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| | | | | |
| | | | | |

LEGEND FOR ORDER: The numbers reflect the order in which to accomplish the review, coordination and or approval.

P – Preparation: prepares the document
C – Coordination: coordinates & reviews
A – Approval: approves the document
 * - Adjust consecutive order numbering, as applicable

N – Notification: proper notification provided
S – Signature: signs/executes the document

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APPENDIX 2: COORDINATION AND APPROVAL PROCESS FOR MANAGEMENT AND OPERATING ACTIONS

1. PURPOSE.

- a. Ensure compliance with laws, executive orders, regulations, policy issuances and procedures, and sound business practices. The areas covered by this policy include, but are not limited to, the following:
 - (1) Extend/Compete Decisions
 - (2) Market Research/Requests for Information
 - (3) Federally Funded Research & Development Center (FFRDC) Designation Approval
 - (4) M&O Contract Type Approval
 - (5) Acquisition Plans
 - (6) Request for Proposals
 - (7) Synopsis/Pre-Solicitation Wavier/Review
 - (8) Small Business Wavier/Review
 - (9) Amendments and Modifications
 - (10) Source Evaluation Plans
 - (11) Negotiation Memorandum
 - (12) Awards
 - (13) Protests
 - (14) Option/Award Term
 - (15) Buy American Act
 - (16) Contractor Performance Assessment Reports (CPARs)
 - (17) Ratifications
 - (18) Indemnifications
 - (19) Congressional Notification (311) (Contract Award and/or Contract Modifications)

- (20) Subcontract Consents
- (21) Statement of Cost Incurred Claimed (SCIC)
- (22) Contract Closeouts
- b. Provide appropriate checks and balances and reasonable assurances against fraud, waste, and abuse;
- c. Ensure acquisitions are properly planned, based upon clear, performance-based requirements, and are acquired using sound business practices and judgment, considering the advice from subject matter experts, as appropriate;
- d. Keep decision making and accountability to lowest coordination and approval; and
- e. Promote streamlined acquisition processes consistent with mission, quality, and regulatory requirements.

2. APPLICABILITY:

- a. This Appendix applies to all NNSA personnel that award M&O contracts, administer the resulting contracts, or otherwise obligate NNSA or non-NNSA funds, and other personnel involved in processing M&O related contract actions.
- b. The dollar amounts specified in this BOP are the aggregate amount of the dollars related to the basic contract or agreement as well as changes made to that underlying contract or agreement to date (including all options). This is often called the potential value of the contract. This definition is consistent with the threshold definitions in FAR 6.304.
- c. For the purpose of this Appendix, the term “contract actions” includes procurement related actions detailed in Exhibit 1, Management and Operating contract Coordination and Approval Process Table.
- d. Any waiver to the overall policy and procedures in this Appendix must be requested, in writing, and be specifically approved, in writing, by the Senior Procurement Executive (SPE). As appropriate, specific actions may be waived by the Head of the Contracting Activity (HCA). Any waivers not explicitly identified in the CAP Table at Exhibit 1 of this appendix must be coordinated through the PCO prior to submittal to the SPE or HCA.

3. REQUIREMENTS:

- a. All organizational elements within NNSA responsible for M&O contract actions and activities (for example, Work For Others, Work Authorization, InterAgency, InterEntity transactions, etc.), to include personnel administering the M&O Contract, must comply with the NNSA CAP Table at Exhibit 1 unless they have

obtained a specific written waiver from the SPE or the HCA, in accordance with paragraph 2.d. above.

- b. Contract actions shall not be executed until all the appropriate coordination and approval steps in this Appendix have been accomplished and the documentation is filed in the official contract file. Where review from a particular element is conducted on a random basis, the frequency of sampling will be determined through a sampling plan, developed by the reviewing office, and approved by the HCA. The review will take into account the contract and its terms and conditions, the Contractor and their associated performance history, Procurement System, historical subcontract reviews, Inspector General Reports, Unallowable Cost History/Issues, Statement of Costs Incurred Issues, repeat issues addressed in any of the referenced reports or Contracting Officer letters, and/or risk issues.
- c. All contracting professionals must comply with all DOE and NNSA orders/directives.
- d. HCA Coordination and Approval Actions/Activities:
 - (1) Unless otherwise delegated, the Director, Office of Acquisition Management, is the HCA for all M&O Contract actions/activities. Exception: The Deputy Director, Office of Acquisition Management, is the HCA for all M&O architect and engineering (A&E), construction capital asset projects, and these actions will be coordinated and approved in accordance with appendix 1 "non-M&O CAP."
 - (2) The HCA reserves the right to require coordination and approval of actions at their sole discretion, regardless of the estimated dollar value.
 - (3) Those involved in a review of contract actions may vary depending on the action. Participation may include Office of General Counsel, small business, finance, and/or program office representation and other members as may be appropriate.
 - (4) HCA approval of M&O Contract actions and subcontracts may be based on review of documentation as well as strategies, approaches, methodologies, evaluations, assessments, decisions, and/or formal briefings received from the Contracting Officer at the HCA's discretion.
 - (5) The HCA will provide an approval decision within five working days after receipt of required supporting documentation. In the event that additional time is required to review complex or unique requirements, the Contracting Officer will be notified of the delay, the rationale, and the expected length of delay.
 - (6) Contract actions shall not be executed until the appropriate approvals in this BOP have been received. A record of reviews and approvals shall be

included in every acquisition file.

- (7) For the review and approval process, copies of all documentation supporting the contract action must be submitted to the appropriate office. M&O documentation and M&O subcontract documentation shall be submitted to the M&O Contracting Branch. Documents to be submitted should be supportive of the particular action and the particular acquisition phase. Actions for which a Contracting Officer from the M&O Contracting Branch is the action officer, documentation shall be submitted to the M&O Policy and Oversight Branch for independent review.

4. RESPONSIBILITIES.

a. Head of the Contracting Activity:

- (1) Establish policies, processes and procedures for NNSA M&O Contract actions.
- (2) Ensure M&O Contract actions represent sound business decisions for the NNSA and are supported by quality documentation.
- (3) Oversee contracting practices used by organizational elements within NNSA to ensure compliance with laws, regulations, sound business practices, and policy.

b. Director, M&O Contracting Division

- (1) Coordinate or approve M&O Contract actions identified in Exhibit 1, or waive approval for specific actions on a case-by-case basis. Approve actions as delegated by the HCA.
- (2) Ensure M&O Contract actions represent sound business decisions for the NNSA and are supported by quality documentation.
- (3) Oversee contracting practices used by organizational elements within NNSA to ensure compliance with laws, regulations, sound business practices, and policy.

c. M&O Contracting Branch, M&O Contracting Division (PCO):

- (1) Perform the duties as the Procuring Contracting Officer for all M&O contract awards.
- (2) Delegate Administrative Contracting Officer authority to other Contracting Officers in accordance with FAR subpart 42.3, Contract Administration Office Functions, and delegate other administrative functions required by the terms and conditions of the M&O contract in addition to authority, or limitations, to execute bi-lateral modifications.

- (3) Perform independent review/coordination of M&O initiated actions, provided through the Field Office Contracting Officers, for HCA or SPE approval. Perform independent review and provide approval of ACO initiated M&O actions that exceed the M&O Contractor's and/or Field Office Contracting Officer approval thresholds as outlined in the latest Contractor's Purchasing System Approval Letter and/or the ACO Letter of Delegation.
 - (4) Ensure M&O Contract actions represent sound business decisions for NNSA and reflect high quality work products.
 - (5) Forward relevant M&O documents to the HCA or SPE for coordination or approval in accordance with this BOP. Resolve any conflicts between ACOs as it relates to the term and conditions, contractor purchasing system approvals, or other actions under an M&O contract. If such actions cannot be resolved to the satisfaction of either ACO, the ACOs may request a final determination by the M&O HCA.
 - (6) The Office of Acquisition Management, M&O Contracting Branch, is the "Contracting Office" as defined at FAR Part 2.101 and its Contracting Officers have responsibility for entering into, administering, and/or terminating contracts and for making related determination and findings.
- d. M&O Policy and Oversight Branch will perform independent review/coordination of PCO initiated M&O contract actions requiring HCA or SPE approval.
- e. The Office of General Counsel (NA-GC) will provide a single set of coordinated comments regarding legal, fiscal and patent input (subject to the Contracting Officer duties in paragraph 4.g.(6) below).
- f. Contracting Officers, whether assigned under the Office of Acquisition Management, APM, or the Field Office:
 - (1) Perform all duties as delegated by the PCO within the limits of their warrant authority.
 - (2) Ensure Contract actions are reviewed and receive the level of coordination and approval as required in Exhibit 1 of this Appendix.
 - (3) Ensure costs incurred under the M&O contract are allocable, allowable, and reasonable in accordance with Contract requirements, the FAR and DOE FAR Supplement.
 - (4) Ensure complete file copies of file documentation are submitted to the M&O Contracting Branch or M&O Policy and Oversight Branch, for review by the HCA or SPE, as required in Exhibit 1 of this Appendix.
 - (5) Execute, to the maximum extent possible, Contract actions in a manner

that precludes the need for expedited review under this CAP.

- (6) Notify the reviewing attorney prior to issuance of the action, of substantive or fundamental changes that are made to the package after legal review occurs. The reviewing attorney will ensure the legal sufficiency of the action is not impacted. Resolve comments received, unless approval at a higher level is required in Exhibit 1 of this Appendix. The CO has the authority to resolve comments unless approval at a higher level is required, in which case the approval authority must agree with the disposition of comments.
- (7) Ensure the timely processing/closing out of the M&O Contractor's yearly Statement of Cost Incurred Claimed (SCIC).
- (8) Ensure contract actions requiring approval have been fully coordinated through appropriate functional experts prior to submission to the HCA or SPE for approval.
- (9) Contracting Officers at the Field Offices or other locations are ACOs as defined in FAR 2.101 and are limited by both their warrants and delegations from the Procuring Contracting Officer (PCO).

5. CONTACT. Manager, M&O Operations Division, 202-586-8838.

Exhibit 1: Management and Operating Contract Coordination and Approval Process Table

**APPENDIX 2, EXHIBIT 1: MANAGEMENT AND OPERATING CONTRACT COORDINATION AND APPROVAL
PROCESS TABLE**

| ACTION CODES: A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
|---|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| | | | | | | | | | | | | | | | |
| I. EXTEND/COMPETE (2)(3) | | | | | | | | | | | | | | | |
| Market Research or Request for Information (Ref: FAR 5.2 & 5.205(c), DOE Acq Guide Ch 10) | | | P1 | | P2 A7 | | | N3 | | C4 (18) | N5 | | N7 | N8 | N6 |
| Extend Determination (Ref: DEAR 970.1706-1) | | | P1 | | P2 | | R3 | R4 | R5 | C6 | C7 | C8 | C9 | A/S11 | N10 |
| Compete Determination | | | P1 | | P2 | | R3 | R4 | R5 | C6 | C7 | C8 | A9 | N9 | N9 |
| Federally Funded R&D Center Designation (6) (Ref FAR 35.017 & DEAR 970.3501) | | | P1 | | P2 | | R3 | | | | R5 | | C7 | A/S8 | |
| M&O Contract Type (Ref: DEAR 970.1504-1-4) (17) | | | P1 | | P2 | | R3 | | | R4 | R5 | | C7 | A/S8 | |
| II. PRESOLICITATION (2)(3)(6) | | | | | | | | | | | | | | | |
| Acquisition Plan (Ref: FAR 7.103, DOE Acq Guide 7.1) | R4 | R3 | P1 | | P2 S10 | C7 | | | R5 | R6(18) C9 | | A8 | | | |
| Justification of Other than Full & Open Competition (Ref: FAR 6.302 and DOE Acq Guide 5.2) | | R5 | P1 | | P2 | | R6 | R4 | R3 | C7 | A8 | | C9 (20) | S10 (20) | |
| Synopsis/Pre-solicitation Notice (Ref: FAR 5.204) (19) | | | P1 | | P2 A/S6 | C5 | | N4 | R3 | N4 | | N7 | N7 | | N7 |

| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
|--|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| Source Selection Authority (Ref: DOE Acq Guide 15.1; Topic II) | | | | | P1 | | | | R2 | C3 | S5 | | N4 | | |
| Source Selection Board Designation (Ref: DOE Acq Guide 15.1; Topic III) | | | P1 | | P2 | S5 | | | R3 | | | C3 | N4 | | |
| Small Business Review(1) | C3 | | P1 | | C2 | | | | R4 | A5 | | | | | |
| Draft Request for Proposal (Ref: DOE Acq Guide 15.1; Topic X) | | | P1 | | P2 S12 | C3 | R5 (5) | | R4 | A6 | N7 | | N8 | N9 | N8 |
| III. SOLICITATION(2)(3)(6) | | | | | | | | | | | | | | | |
| Final Request for Proposal | | | P1 | | P2 S8 | C3 | R5 (5) | | R4 | A6 | N7 | | N9 | | N10 |
| Amendment(s) | | | P1 | | P2 S7 | C3 | R5 | | R4 | C6 | | | | | |
| Org Conflict of Interest(7) (Ref: DEAR 970.0371, DEAR 970.09, & DOE Acq Guide 9.1) | | | P1 | | P2 A6 | | C4 | | R3 | N5 | | | | | |
| Selection and Evaluation Plan (Ref: DOE Acq Guide Ch 15.1) | | | P1 | | P2 S7 | A6 | R4 | | R3 | C5 | | | | | |
| Competitive Range Determination | | | P1 | | P2 S7 | C6 | R4 | | R3 | C5 | | | | | |
| Pre and Post Negotiation Plans | | | P1 | | P2 S7 | C6 | R4 | | R3 | C5 | | | | | |
| Final Source Selection Evaluation Report (Ref: DOE Acq Guide Ch 1.4 & 15.1) | | | P1 | | P2 | A6 | R4 | | R3 | C5 | | | | | |
| Source Selection Decision Document | | | P1 | | P2 | P3 | R4 | | R5 | C6 | | | | | |

| ACTION CODES: A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
|---|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| | | | | | | | | | | | | | | | |
| IV. AWARD(2)(3)(6) | | | | | | | | | | | | | | | |
| Contract Award | | | P1 | | P2 S10 | C3 | R5 | N8 | R4 | C6 | N7 | | N8 | N9 | N7 |
| Letter Contract (Approval for Use) | | | | | P1 S4 | | | | R2 | A3 | | | | | |
| Protest (8) (Ref: DOE Acq Guide Ch 33.1) | | | | | | | | | | | | | | | |
| GAO Level Protest | | | P2 | | P3 | N1 | C4 | | | N1, N5 | | | N1 | | N1 |
| Agency Report | | | | | P1 | R2 | C3 | | | R4 | N5 | N5 | | | |
| Decision to Continue with Award/Performance | | | | | P1 | R2 | C3 | | | A6 | C4 | N8 | C5 | N9 | N7 |
| Decision not to Comply with GAO Recommendation | | | | | P1 | R2 | C3 | | | A6 | C4 | N7 | C5 | N8 | N9 |
| V ADMINISTRATION | | | | | | | | | | | | | | | |
| Purchasing System Approval(9) (Ref: DEAR 970.4401-1, 970.4401-3, 970.4402, & DOE Acq Guide 70.7 (Ch 10) & 70.44) | | | P1 | A3 | | | | | R2 | | | | | | |
| 85-804 Indemnification (Ref: FAR 50.102-1[d]) | | | | P1 S9 | | | P2 | C3 | R4 | R5 (18) | | C6 | C7 | A8 | |

| <u>ACTION CODES:</u> A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
|--|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| | | | | | | | | | | | | | | | |
| Contract Modification(5)(12) (Ref: DOE Acq Guide 15.4-1 & Ch 43) | | | | P1 S5 | | | R2 (3) | | R3 | A4 | | | | | |
| Subcontract Consent(5)(10)(16) | | | | P1 | P2 | | | | | S/A3 | | | | | |
| Subcontract Consent greater than Administrative Threshold (10) (Ref: DEAR 970.4401-2 & DOE Acq Guide 70.7 Ch 10) | | | | | P1 | | | | R2 | S/A3 | | | | | |
| Determination of Allowable/Unallowable Costs-(11)(4)(22) | | | | P1 S3 | | | R2 | | | | | | | | |
| Notification/Communication to Contractor by CO of DOE IG Report and questioned costs review | | | | P1 A2 | | | | | | | | | | | |
| Determine Allowable/Unallowable Costs for Year Covered under SCIC | | | | P1 S2 | | | | | | | | | | | |
| Close out SCIC Report with DOE IG (Ref: DEAR 970.31, DEAR 970.4207, & DOE Acq Guide Ch 31, 70.7 (Ch 7)) | | | | P1 S3 | | | | | R2 | A4(18) | | | | | |

| ACTION CODES: A - Approval C - Concurrence N – Notification P – Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
|---|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| | | | | | | | | | | | | | | | |
| Option Exercise (Ref: DEAR 970.1706-1(b) and DOE Acq Guide 70.7 (Ch 5)) | | | | | P1 S9 | | R4 | C2 | R3 | C5 | A7 | C6 | A8 | | N10 |
| Award Term (Ref: DOE Acq Guide Ch 70.15) (*Approving Official for Award Term is FDO) | | | | P1 S4 | | | | C2 | | | | | A3 | | |
| Buy American Act ≤ \$1M | | | | R1/A2 | | | | | | | | | | | |
| Buy American Act > \$1M | | | | R1 | R2 | | | | | A3 | | | | | |
| CPARs | | | | P1/S4 | | | | | R2 | | C3 | | | | |
| M&O Personal Property Actions: (See Appendix 4) | | | | | | | | | | | | | | | |
| Ratification (<\$25K) | | | | P1 S6 | R2 | | C3(5) | N2 | C4 | A5 | | | | | |
| Ratification (\$25K and above) (Ref: DEAR 901.602-3) | | | | P1 | S10 | | C3 | N2 | C4 | C5 | C6 | C7 | C8 | A9 | |
| Contract Termination (Ref: DEAR 970.2306 & DEAR 949) | | | | P1 | | P2 S10 | R5(5) | C3 | C4 | R6 | R7 | R8 | A9 | | N11 |

| | | | | | | | | | | | | | | | |
|--|------------------------------------|----------------------|---------------------|---|--|----------------------------------|-----------------------------|----------------------|-----------------------------------|--|------------------------------------|-----------------------------------|--------------------|-------------------|-----------------------|
| <u>ACTION CODES:</u> A - Approval C - Concurrence N - Notification P - Preparation R - Review & Comment S - Signature Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. Numbers within parenthesis, e.g. (1) indicate notes which are located at the end of the table. | Small Business Program Manager (1) | Competition Advocate | Contract Specialist | Admin Contracting Officer (ACO) (2) (3) | Procurement Contracting Officer (PCO) (2), (3) | Source Selection Authority (SSO) | General Counsel (Legal) (4) | Field Office Manager | Independent and/or PCO Review (5) | Head of the Contracting Activity (HCA) | Senior Procurement Executive (SPE) | Deputy or Associate Administrator | NNSA Administrator | Agency Head (DOE) | NNSA External Affairs |
| | | | | | | | | | | | | | | | |
| VI. CLOSEOUT(2)(3)(May be delegated to Field CO) | | | | | | | | | | | | | | | |
| Pension Plan(13) (Ref: Appendix 3) | | | | P1 | R2 A/S4 | | R3 | | | | | | | | |
| Personal Property(14) | | | | P1 | R2 A/S3 | | | | | | | | | | |
| Financial Reporting(15) | | | | P1 | R2 A/S3 | | | | | | | | | | |
| OTHER: | | | | | | | | | | | | | | | |
| Potential Procurement Integrity Act Violation (Ref: DOE Acq Guide 3.1) | | | | | P1 | | C2 | | | C3 | | | | | |

- (1) The Small Business Program Manager will coordinate with OSDDBU as required.
- (2) The Contracting Officer (CO) will ensure authorized actions are executed.
- (3) The Contracting Officer shall consult with appropriate Subject Matter Expert (SM) ME such as OFFM, legal and any other expert as part of their determination and local process
- (4) Actions originating at the Field Office level shall be reviewed by Field Office Counsel. General Counsel will coordinate with Patent Counsel. The Field CO may coordinate directly with Patent Counsel.
- (5) Independent Review will be conducted by the M&O contracting Branch. In the case of actions executed by the M&O Contracting Branch, independent review will be conducted by the M&O Policy and Oversight Branch. In reference to subcontract consent packages: when a subcontract consent package is reviewed by the M&O Contracting Branch, the Manager of the M&O Contracting Branch shall approve the package before the file leaves the office. Where other modifications follow a different coordination and approval process, those modifications will follow that process (i.e. key personnel changes and award term modifications would be exempt from independent review and HCA review)
- (6) For laboratory procurements only. FFRDC must be done every 5 years.
- (7) If Organization Conflicts of Interests cannot be resolved by the CO, then it must be elevated to the Head of Contracting Activity (HCA).
- (8) Will be worked in conjunction with General Counsel.
- (9) The Contractor's purchasing system may be reviewed by the PCO by random sampling of various subcontracts types, subcontract actions, and/or subcontract file documentation.
- (10) A subcontract that exceeds the Administrative Contracting Officer (ACO) approval shall be approved by the M&O Contracting Branch PCO.
- (11) Legal review is discretionary. An independent review will be completed when requested by the HCA.
- (12) Funding Modifications do not required independent and legal review. Terms and Condition Modifications based on FAR and DEAR published changes; and Departmental Directives Modifications require field peer review only. All other modifications that are beyond the Administrative Authorities granted under FAR 42.302 must have a field peer review and must be reviewed and coordinated with the M&O Contracting Branch PCO.
- (13) Must be reviewed and coordinated with the Contractor Human Resource Branch.
- (14) Must be reviewed and coordinated with the Personal Property Branch.
- (15) Must be reviewed and coordinated with the Chief Financial Officer (CFO) office.
- (16) All Architect-Engineering, Construction/Capital Asset Project actions conducted under M&O contracts must be reviewed and approved in accordance with Appendix 1 (Non-M&O CAP Policy) Exhibit 1 of this BOP.
- (17) Must be done at appropriate intervals, but not less than once every five years.
- (18) HCA delegated to Director, NA-APM-13.
- (19) Notification must take place before issuance.
- (20) If rationale is 6.302-Public Interest
- (21) Award Term Approved by Fee Determining Official (FDO). If FDO delegated to NA-2, then NA-2 is A3.
- (22) The determination of allowable/unallowable costs includes those costs under Statement of Cost Incurred Claimed (SCIC), as well as any other cost allowability determinations that may arise outside of the SCIC.



SAMPLE



| COORDINATION & APPROVAL DOCUMENT | | | | |
|---|--------------|---|--|-------------|
| TITLE OF DOCUMENT: (Document should be titled to reflect the particular CAP Action to include the Total Estimated Dollar Value) <div style="text-align: right;">Estimated Value \$ _____</div> | | Document No. Modification/Amendment Number | | |
| DESCRIPTION: (The description should adequately describe the specific requirement and ultimate Program Office) <div style="text-align: right;">Program Office: _____</div> | | Office: Section/Branch: POC Name and Telephone Number: | | |
| You are requested to review the attached document and indicate your coordination/approval in the space provided. Comments/Non-concurring statements should be attached on a separate sheet. Check appropriate box for comments. | | | | |
| COORDINATING/APPROVING OFFICE (Note: A sample solicitation action is below. You must include the appropriate order required by each specific action.) | ORDER | SIGNATURE | COMMENTS ATTACHED? | DATE |
| Contract Specialist | P1 | | | |
| Contracting Officer | C2/S6 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 1 level above the Contracting Officer (if CO is the substantial preparer) | * | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Independent Review | C3 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Patent Counsel (OGC) | C4 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Legal Counsel (OGC) | C5 | | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Head of the Contracting Activity | A6 | | | |

LEGEND FOR ORDER: The numbers reflect the order in which to accomplish the review, coordination and approval.

P – Preparation: prepares the document
C – Coordination: coordinates & reviews
A – Approval: approves the document

N – Notification: proper notification provided
S – Signature: signs/executes the document

APPENDIX 3: COORDINATION AND APPROVAL PROCESS FOR CONTRACTOR HUMAN RESOURCES POLICY ACTIONS

1. PURPOSE.

- a. Provide business and operating guidance relative to oversight and administration of contractor human resources (CHR) activities. Consistent with the National Nuclear Security Administration (NNSA) Functional Matrix, Headquarters NNSA through the Senior Procurement Executive (SPE), issues guidance to facilitate consistent CHR administration and oversight by NNSA Site Offices and for the effective/efficient support of CHR activities by the NNSA Service Center. This policy supplements other Department of Energy (DOE) policy related to CHR. If the requirements in this BOP conflict with a specific DOE or NNSA topical directive, the topical directive requirements will govern. The CHR areas covered by this policy include, but are not limited to the following:
 - Labor Relations
 - Labor Standards
 - Contractor Workforce Restructuring – Reductions and Increases in Contractor Employment
 - Compensation, including Variable Pay, Executive Compensation and Incentive Programs
 - Employee Benefits
 - Retiree Benefits/Pensions
 - Critical Skills
 - Severance
 - Workforce Planning
 - Insurance and Risk Management
 - Formation of CHR Provisions in M&O Contracts
 - Headquarter (HQ) Assignments
 - Review Contractors' Equal Employment Opportunity Plans
- b. Ensure compliance with laws, Executive orders, regulations, policy issuances and procedures, and sound business practices;

- c. Provide appropriate checks and balances, and reasonable assurances against fraud, waste, and abuse;
- d. Facilitate the exercise of sound business judgment;
- e. Drive down decision-making by using risk based coordination and approvals; and,
- f. Promote expeditious completion of CHR actions consistent with quality and regulatory requirements.

2. APPLICABILITY.

NNSA Personnel. Except for the Office of Naval Reactors this Business Operating Process (BOP) applies to all NNSA personnel that administer, oversee, or support the oversight of NNSA management and operating (M&O) contracts or other contracts in which the DOE/NNSA is the only reimbursement source for contractor employee benefits. For the purpose of this BOP, the term “CHR actions” includes procurement and CHR related actions detailed in the Appendix 3 Exhibit 1, Approval of Contractor Human Resources Actions Table.

3. REQUIREMENTS.

- a. All organizational elements within NNSA, responsible for contract and CHR actions, must comply with the Attachment.
- b. Contract actions and notifications to contractors shall not be executed until the appropriate approvals in this Policy Letter have been accomplished. A record of Reviews and Approvals shall be included with every action and maintained in the official contract file.

4. RESPONSIBILITIES.

- a. Director, Office of Acquisition Management (NA-APM-10) will:
 - (1) Establish policy for approval of contract and CHR actions within NNSA.
 - (2) Facilitate consistent oversight and administration of contractor human resources activities throughout the National Security Enterprise.
 - (3) Approve contract and CHR actions identified for HQ approval in the Attachment, or waive approval.
- b. Office of Acquisition Management, Contractor Human Resources Branch (CHRB) will:
 - (1) Implement this BOP throughout the NNSA.
 - (2) Provide effective, professional, technical advice and assistance to NNSA

Leadership and Field Offices in support of this policy, and oversight and administration of NNSA CHR activities.

- c. Field Office Managers/Deputy Field Managers/Business Managers will:
 - (1) Implement this BOP for contract and CHR actions under their cognizance.
 - (2) Submit requests for deviations from this policy to NA-APM-10 through CHRB.
- d. NNSA Office of General Counsel will coordinate all legal input, to ensure a comprehensive set of advisory comments.
- e. NNSA Deputy Administrators and Associate Administrators for Headquarters' Program Offices will coordinate all programmatic input to ensure a comprehensive set of advisory comments.
- f. Contracting Officers will:
 - (1) Ensure that contract and CHR actions are reviewed, coordinated, and approved in accordance with this BOP.
 - (2) Communicate with NNSA contractors decisions regarding CHR activities.
 - (3) Memorialize CHR decisions through contract modifications or other Contracting Officer signed documents as appropriate.

5. REFERENCES.

- a. 5 C.F.R. Part 334 – Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations
- b. DOE Order 311.1B, Equal Opportunity and Diversity Program
- c. DOE Order 350.2B, Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area
- d. NNSA SD O 350.1, Management and Operating Contractor Service Credit Recognition
- e. NNSA SD 350.2, Use of Management and Operating Contractor Employees for Services to NNSA in the Washington D.C. Area
- f. Acquisition Letter 2013-01 – Contractor Domestic Extended Personnel Assignments

- g. Acquisition Letter 2013-04 Contractor Executive Compensation
 - h. Daniel B. Poneman Letter on New Policies for Department of Energy Contractor Defined-Benefit Pension Plans
 - i. May 5, 2011 Secretary Chu Guidance on Workforce Restructuring Policy and Subsequent Delegations
6. CONTACT. Manager, Contractor Human Resources Branch, at (505) 845-6274.

Exhibit 1: Approval of Contractor Human Resources Actions Table

**APPENDIX 3 EXHIBIT 1: APPROVAL OF CONTRACTOR HUMAN RESOURCES
ACTIONS TABLE**

| <u>ACTION CODES:</u> A - Approval R - Review & Comment C - Concurrence SME – Responsible party S - Signature N – Notification ¹ Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. | NNSA General Counsel (HQ) ² | Field Office Managers, or designee not lower than Business Mgr. | Contracting Officer | Contractor Human Resources Branch | Head of Contracting Activity | Senior Procurement Executive | Administrator | Secretary of Energy | NNSA External Affairs | Program Office Operations, Program Office |
|--|--|---|---------------------|-----------------------------------|------------------------------|------------------------------|-----------------|---------------------|-----------------------|---|
| | | | | | | | | | | |
| 1. LABOR RELATIONS ³ | | | | | | | | | | |
| a. Contractor collective bargaining agreements and determination of allowable parameters prior to commencement of negotiations where no precedence setting issues are present. | | C2 | A5/ S4 | SME1 | N3 | | | | | N3 |
| b. Contractor collective bargaining agreements and determination of allowable parameters prior to commencement of negotiations where precedence setting issues are present. | R4 | C2 | S6 | SME1 | A5 | | | | | C3 ⁴ |
| c. Where changes to employee benefits to increase costs are contemplated | R3 | C2 | S6 | SME1 | A4 | | | | | C2 |
| 2. LABOR STANDARDS | | | | | | | | | | |
| a. Determination of appropriate labor standards. | | | A1 | | | | | | | |
| b. Wage determinations under the Construction Wage Rate Requirements statute (formerly known as the Davis-Bacon Act) and Service Contract Labor Standards (formerly known as the Service Contract Act of 1965) | | | A1 | | | | | | | |
| c. Investigate complaints | | | SME1 /S3 | C2 | | | | | | |
| 3. REDUCTIONS IN CONTRACTOR EMPLOYMENT ⁵ | | | | | | | | | | |
| a. General Workforce Restructuring Plan | C5 | SME1 | | C2 | C3 | C4 | C7 | A8 | N9 | C6 |
| b. Voluntary Separations ≤ 499 | C3 | C2 | C2 | SME1 | A4 | N6 | N7 | N7 | | R5 |
| c. Voluntary Separations ≥ 500 | C3 | C2 | C2 | SME1 | C4 | N6 | A7 ⁶ | N7 | | C5 |

| <u>ACTION CODES:</u> A - Approval R - Review & Comment C - Concurrence SME – Responsible party S - Signature N – Notification ¹ Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. | NNSA General Counsel (HQ) ² | Field Office Managers, or designee not lower than Business Mgr. | Contracting Officer | Contractor Human Resources Branch | Head of Contracting Activity | Senior Procurement Executive | Administrator | Secretary of Energy | NNSA External Affairs | Program Office Operations, Program Office |
|--|--|---|---------------------|-----------------------------------|------------------------------|------------------------------|------------------|---------------------|-----------------------|---|
| | | | | | | | | | | |
| d. Involuntary Separations < 100 employees ⁷ | N2 | N1 | SME1 | N1 | N2* | | | | N2 | N2 |
| e. Involuntary Separations ≥ 100 < 200 employees | C2 | A3 | S5 | SME1 | C2* | N4 | N4 ⁸ | | N4 | N4 |
| f. Involuntary Separations ≥ 200 < 500 employees | C3 | C1 | C1 | SME1 | A5 | N4 | N4 ⁹ | | N4 | N2 |
| g. Involuntary Separations ≥ 500 employees | C3 | C1 | C1 | SME1 | C4 | N5 | A7 ¹⁰ | N5 | N5 | C2 |
| 4. COMPENSATION | | | | | | | | | | |
| a. Initial Compensation program design | | | S/A3 | SME1 C2 | N4 | | | | | |
| b. Annual Compensation Increase Packages | | C2 | S/A5 | SME1 | C3* | | | | | C4 ¹¹ |
| c. Individual compensation of top contract official and key personnel upon initial contract award and top contractor official annually and key personnel when replaced – within 6/10% parameters | | C2 | S/A3 | SME1 | N4 | | | | | |
| d. Individual compensation of top contract official and key personnel upon initial contract award and top contractor official annually and key personnel when replaced — outside 6/10% parameters | | C2 | S4 | SME1 | A3* | | | | | |
| e. Incentive Plan | | R3 | S5 | SME1 /C2 | A4* | | | | | |
| f. Changes to the compensation program design | | C3 | S/A4 | SME1 /C2 | | | | | | |
| 5. BENEFITS | | | | | | | | | | |
| a. Contractor Benefit Plans (initial and revisions) | R2 | N4 | S/A5 | SME1 | C3* | | | | | N3 |
| b. Contractor Benefit Plans (to include revisions) which establish precedence or increase long-term liabilities | R2 | C3 | S6 | SME1 | A4 | N5 | N5 | | | N3 |
| c. Ben/Val – Comparator Companies | | | A/S3 | SME1 | N2* | | | | | |

| <u>ACTION CODES:</u> A - Approval R - Review & Comment C - Concurrence SME – Responsible party S - Signature N – Notification ¹ Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. | NNSA General Counsel (HQ) ² | Field Office Managers, or designee not lower than Business Mgr. | Contracting Officer | Contractor Human Resources Branch | Head of Contracting Activity | Senior Procurement Executive | Administrator | Secretary of Energy | NNSA External Affairs | Program Office Operations, Program Office |
|--|--|---|---------------------|-----------------------------------|------------------------------|------------------------------|------------------|---------------------|-----------------------|---|
| | | | | | | | | | | |
| d. Corrective Action Plans | | C2 | S5 | SME1 | A3 | | | | | N3 |
| e. Determination to allow reimbursement above the 105% ¹² | | C2 | S6 | SME1 | A4 | | | | | R3 |
| f. Adoption of corporate benefit programs | R3 | C2 | S5 | SME1 | A4 | | | | | |
| g. Approval of contractor's methodology for evaluating welfare benefits programs | | C2 | S4 | SME1 | A3 | | | | | |
| h. Initial proposals for self-insurance of health and welfare plans and worker's compensation plans. | | | S/A3 | SME1 /C2 | N3 | | | | | |
| j. Contract insurance and other benefits program clauses | R2 | | A4 | SME1 /C2 | C3 | | | | | |
| k. Severance Plans and contractor specified notification & payment in-lieu-of notification | C3 | N2 | S6 | SME1 /C3 | A5 | | | | | N4 |
| 6. CONTRACTOR PENSION PLANS (6) | | | | | | | | | | |
| a. Changes in contractor pension plans | C3 | C2 | S5 | SME1 | A4 | | | | | |
| b. Reimbursement of contractor pension plan costs (including contributions in excess of minimum required contribution) | | | S/A7 | SME1 | C2 | | C5 ¹³ | | | |
| c. Final settlement of assets and liabilities for closed plans | C3 | C2 | S7 | SME1 | A5 | N6 | N6 | | | N4 |
| d. Settlements when plans are modified or terminated, fully or partially | C3 | C2 | S9 | SME1 | A8 | N4 | N6 | | N7 | N5 |
| e. Contract provisions regarding pension plans | C3 | | C2/S6 | SME1 | A4 | N5 | | | | |
| f. Consign assets when contractors are replaced, portion of existing plan is spun off, or plan terminates fully or partially | C2 | N4 | S5 | SME1 | A3 | N4 | | | | |

| <u>ACTION CODES:</u> A - Approval R - Review & Comment C - Concurrence SME – Responsible party S - Signature N – Notification ¹ Numbers beside the letters (e.g., C1, A2) reflect order in which to accomplish actions. | NNSA General Counsel (HQ) ² | Field Office Managers, or designee not lower than Business Mgr. | Contracting Officer | Contractor Human Resources Branch | Head of Contracting Activity | Senior Procurement Executive | Administrator | Secretary of Energy | NNSA External Affairs | Program Office Operations, Program Office |
|--|--|---|---------------------|-----------------------------------|------------------------------|------------------------------|---------------|---------------------|-----------------------|---|
| | | | | | | | | | | |
| g. Contract treatment of separate and commingled pension plans where DOE/NNSA has continued long-term involvement | C3 | C2 | S6 | SME1 | A4 | N5 | | | | |
| 7. RISK MANAGEMENT & LIABILITY PROGRAMS | | | | | | | | | | |
| a. Contractor liability insurance programs | R2 | | S/A3 | SME1 | | | | | | |
| 8. CONTRACTOR WORKPLACE SUBSTANCE ABUSE PROGRAMS | | | SME1 /S/ A3 | C2 | | | | | | |
| | | | | | | | | | | |
| 9. EMPLOYEE ASSISTANCE PROGRAMS | | | SME1 A3 | C2 | | | | | | |
| | | | | | | | | | | |
| 10. MISCELLANEOUS | | | | | | | | | | |
| a. Identification of critical skills | | A3 | S4 | R2 | N5* | | | | | SME1 |
| 11. M&O Contractor Offsite ASSIGNMENTS | | | | | | | | | | |
| a. M&O Contractor Employee Assignments to DC | R2 | | A/S3 | | | | | | | SME1 ¹⁴ |
| b. M&O Contractor Employee Assignments to DC Exceptions | R2 | | R3/S7 | R4 | C5 | | A6 | | | SME1 |
| c. Domestic Extended Personnel Assignment Waiver | | | R2/S4 | SME1 | A3 | | | | | |
| d. IPA Assignments ¹⁵ | | C3 ¹⁷ | SME1 A4/S6 | R2 | A5 ¹⁶ | | | | | C3 ¹⁷ |
| 12. EEO | | | | | | | | | | |
| a. Review AA and Diversity Plans | | | S/A2 | SME1 | | | | | | |

* Action has been delegated from HCA to Director, M&O Contracting Operations Division, APM-13

¹ Notifications to Headquarters components will be accomplished by NA-APM-10. Notifications to Field Office components and Contractors will be accomplished by CHR in conjunction with the Field Contracting Officer.

² In the event substantive changes are made after NNSA GC (HQ) has reviewed a document, the document must be rerouted through GC (HQ) for additional review prior to final approval. NNSA GC and Field Office GC should coordinate on actions as appropriate

3 The HCA and SPE shall be notified regarding significant labor relations developments at any time.

4 If controversial issues arise, particularly those that involve security, potential work stoppage, and significant increase in programmatic resources (beyond those expected due to inflation) the affected Program Offices shall be engaged in the process of determining final allowable costs under the contract.

5 The number of separations is evaluated based on a rolling 12-month period.

6 The Administrator has delegated authority to the Principal Deputy Administrator.

7 Contractors must provide a specific workforce restructuring plan if restructuring involves 50 or more employees in a rolling 12-month period. In addition, contractor must perform a diversity analysis when the involuntary separation action affects 50 or more contractor employees and provide the analysis to NNSA Field counsel.

8 The Administrator has delegated authority to the Principal Deputy Administrator.

9 The Administrator has delegated authority to the Principal Deputy Administrator.

10 The Administrator has delegated authority to the Principal Deputy Administrator.

11 A briefing will be provided to the appropriate program office on all Field requests by CHR for concurrence.

12 Determinations for approval to reimburse benefits greater than 105% will be accomplished in accordance with Ben/Val analysis and approved corrective action plans.

13 Reimbursement of Defined Benefit contributions beyond the minimum required by ERISA must be approved by the Administrator or his designee. NA-APM will provide the Administrator a total picture of expected reimbursements for the NNSA each year regardless of whether permission is required or not.

14 The customer organization will define the task assignment, perform the business analysis and after review will get the concurrence of the Program Office Deputy or Associate Administrator.

15 This is applicable only on contracts that require CO approval for IPA assignments.

16 HCA approval of the IPA assignment is required if NNSA is expected to bear greater than 50% of the costs and/or if exceptions to the IPA policy are requested.

17 If direct funded, Program Office concurrence required. If indirect or unspecified program office funded, Field Office Manager concurrence required.

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APPENDIX 4: COORDINATION AND APPROVAL PROCESS FOR M&O AND MAJOR FAR CONTRACTORS ON PERSONAL PROPERTY ACTIONS

1. PURPOSE.

- a. Provide business and operating guidance relative to oversight and administration of Personal Property Branch (PPB) activities. This policy supplements other Department of Energy (DOE) policy related to the PPB. The PPB areas covered by this policy include, but are not limited to the following Personal Property Transactions:

- (1) Domestic Loans
- (2) Foreign Loans
- (3) Donations
- (4) Abandonments
- (5) Negotiated Sales
- (6) Waivers/Deviations
- (7) Title Transfers
- (8) Report of Lost, Damaged, Destroyed or Stolen Property
- (9) System Approval Letters
- (10) Contractors' Personal Property Policies and Procedures (Manual/Plan)
- (11) External Reviews of Government Personal Property Programs
- (12) Contractor's Annual Assessment Report
- (13) Personal Property Management System Review
- (14) Personal Property Management Validations
- (15) Validations Reports
- (16) Inventory Plans
- (17) Sensitive Items List
- (18) Performance Measures and Objective Matrices
- (19) SF 1428 Inventory Disposal Schedule

- (20) Inventory Write-Offs
 - (21) Gifts
 - (22) SF 122 Transfer Order
 - b. Ensure compliance with laws, Executive Orders, regulations, policies, procedures and sound business practices;
 - c. Provide appropriate checks and balances, and reasonable assurances against fraud, waste, and abuse;
 - d. Drive down decision making by using risk-based coordination;
 - e. Convey performance expectations to Personal Property Branch Industrial Property Management Specialists (IPMS) relative to consultation and coordination/approval of their work; and,
 - f. Provide guidance for the development of local procedures, e.g. desktop procedures.
2. APPLICABILITY. This applies to all organizations and elements of the National Nuclear Security Administration (NNSA), except for the Office of Naval Reactors, having personal property authority and to personal property actions taken by NNSA property officials. For the purpose of this policy letter, the term “personal property actions” includes actions relating to system approvals, inventory management, disposals, sales, reports, transfers (foreign and domestic), and loan agreements (foreign and domestic). Aspects of this policy implement coordination and approval by other NNSA policies. Those other policies may exempt certain NNSA organizations or elements. Organizations and elements that believe they are exempt from some aspects of this policy shall request exemption from the Head of the Contracting Activity (HCA). Exemptions will be granted in writing only.
3. REQUIREMENTS. All organizational elements within NNSA are responsible for personal property actions and must comply with the Coordination and Approval (CAP) Table for Personal Property Actions attached.
4. RESPONSIBILITIES.
- a. Director and Deputy Director, Office of Acquisition Management will:
 - (1) Establish policies, standards, and guidance in accordance with applicable laws, regulations, and sound personal property management practices and standards.
 - (2) Coordinate NNSA personal property actions as applicable.

- b. Personal Property Branch (PPB) will:
 - (1) Implement this CAP in accordance with the Table for Personal Property Actions for NNSA contracts, and Direct Operations.
 - (2) Provide effective, professional, technical advice and assistance to NNSA Headquarters and Field Offices in support of this policy.
 - (3) Evaluate Federal and contractor personal property management systems, functions, operations, procedures, and self-assessment programs.
- c. The Organizational Property Management Officer (OPMO) is responsible for:
 - (1) Conducting the responsibilities of the Plant Clearance Officers (PCO) as described in FAR Part 45.
 - (2) Executing actions depicted in the CAP Table for Personal Property Actions.
 - (3) Providing oversight of the control, management, and disposition of personal property in the custody of NNSA.
 - (4) Negotiating performance-based personal property management objectives, measures, and expectations.
 - (5) Notifying the appropriate HCA of all personal property actions requiring approval above NNSA OPMO.
 - (6) Conducting oversight and periodic reviews of major NNSA personal property management activities at least every three years to ensure:
 - (a) Personal property management program expectations are met and;
 - (b) Applicable policies, procedures, practices, and standards are followed.
- d. Field Office Managers/Deputy Field Office Managers/Business Managers will:
 - (1) Implement this CAP for contract actions under their cognizance.
 - (2) Submit requests for deviations from this policy to NA-APM-10 through the PPB.
- e. NNSA General Counsel will coordinate all legal input, to ensure a comprehensive set of advisory comments for personal property at all the M&O sites.

- f. Contracting Officers will:
 - (1) Ensure that contract actions are reviewed, coordinated, and approved in accordance with this CAP.
 - (2) Consult with PPB prior to awarding contracts, grants and cooperative agreements that will involve personal property.
 - (3) Document OPMO decisions through contract modifications or other Contracting Officer signed documents, as appropriate.

5. REFERENCES.

- a. 10 CFR 200 Federal Financial Assistance Regulation
- b. 41 CFR Chapter 101, Federal Property Management Regulations (FPMR)
- c. 41 CFR Chapter 102, Federal Management Regulation (FMR)
- d. 41 CFR Chapter 109, Department of Energy Property Management Regulations
- e. 48 CFR Part 45 and 52, Federal Acquisition Regulations
- f. 48 CFR Part 945 Government Property
- g. 48 CFR Chapter 9, Subchapter I, DEAR 970.5245-1, Property
- h. DOE Financial Management Handbook
- i. DOE Order 580.1 and Contractor Requirements Document (CRD), Department of Energy Personal Property Management Program
- j. DOE Order 580.1A and Contractor Requirements Document (CRD), Department of Energy Personal Property Management Program
- k. Executive Order 12999 Educational Technology: Ensuring Opportunity for All Children in the Next Century
- l. Stevenson-Wydler Technology Innovation Act of 1980

6. CONTACT. Manager, Personal Property Branch (PPB), at (505) 845-5437.

Exhibit 1: Personal Property Branch Coordination and Approval Process Table for M&O and Major FAR Contractor's personal property actions.

**APPENDIX 4, EXHIBIT 1: PERSONAL PROPERTY BRANCH
COORDINATION AND APPROVAL PROCESS TABLE FOR M&O AND MAJOR FAR
CONTRACTOR'S PERSONAL PROPERTY**

| ACTION CODES: A - Approval R – Review & Comment P - Preparation S - Signature N - Notification C - Concurrence Numbers reflect order in which to accomplish actions | Requestor | PPB | OPMO | Field Office Contracting Officer | NA-MB | International Affairs | General Counsel (NNSA) |
|--|-----------|--------------|------|----------------------------------|--------|-----------------------|------------------------|
| | | | | | | | |
| Write-Offs | P1/N7 | R2/P3 | A4 | N5 | N6 (1) | | |
| Summary of Inventory Results | P1 | R2 | | N3 | | | |
| Property System Approvals | N5 | P1/R2 | C3 | A4 | | | |
| Donations; Abandonments; Negotiated Sales | P1/N6 | R2/P3 | A4 | N5 | | | |
| Gifts | P1 | R2/P3 | A4 | N5 | | | |
| Waiver/Deviations | P1/N5 | R2 | A3 | N4 | | | |
| Foreign Title Transfer | P1/N9 | R2/P3/ R6 | A7 | N8 | | R5 | C4 |
| Foreign Loan | P1/N7 | R2/P3/ R5 | A6 | N8 | | R4 | |
| Contractor's Personal Property Policies and Procedures | P1/N5 | R2 | C3 | R4 | | | |
| Inventory Disposal Schedule (SF 1428) Regular (2) | P1/N6 | R2/A3 | N4 | N5 | | | |
| Inventory Disposal Schedule (SF 1428) High Risk (2) | P1/N5 | R2 | A3 | N4 | | | |
| Annual Property Reports (Exchange/Sales; Non-Federal Recipients) | P1 | R2/P3 | C4 | N5 | | | |
| Transfer Order Excess Personal Property (SF 122) (M&O) | P1/A2 | | | N3 | | | |
| Transfer Order Excess Personal Property (SF 122) High Risk Transfers (M&O) | P1/N6 | R2 | A3 | N5 | N4(1) | | |
| Transfer Order Excess Personal Property (SF 122) (FAR) (2) | P1/N6 | R2/A3 | | N4 | N5(1) | | |
| Transfer Order Excess Personal Property (SF 122) High Risk Transfers (FAR) (2) | P1/N6 | R2 | A3 | N4 | N5(1) | | |
| Loans | P1/ N5 | R2 | A3 | N4 | | | |

| ACTION CODES: A - Approval R – Review & Comment P - Preparation S - Signature N - Notification C - Concurrence Numbers reflect order in which to accomplish actions | Requestor | PPB | OPMO | Field Office Contracting Officer | NA-MB | International Affairs | General Counsel (NSA) |
|---|-----------|----------|------|----------------------------------|-------|-----------------------|-----------------------|
| | | | | | | | |
| Quarterly Contractor Self Assessment Reports | P1 | R2 | N3 | N4 | | | |
| Validation Reports | N6 | P1/R2/S3 | A4 | N5 | | | |
| Year End Contractor Appraisal Report | N5 | P1/R2 | A3 | N4 | | | |
| Inventory Plans | P1 | R2 | A3 | N4 | | | |
| Sensitive Items List | P1 | R2 | A3 | N4 | | | |

- (1) Only if line item meets capitalization criteria
- (2) Non-M&O only

APPENDIX 5: COORDINATION AND APPROVAL PROCESS FLOWCHART

