



**NNSA Policy Letter: BOP-003.0304R1
(Revision 1)
Date: July 03, 2003**

TITLE: Coordination and Approval Process (CAP) of Contract Actions

I. OBJECTIVES:

- A. Establish a coordination and approval process that:
 - 1. Ensures compliance with laws, executive orders, regulations, policy issuances and procedures, and sound business practices;
 - 2. Provides appropriate checks and balances and reasonable assurances against fraud, waste, and abuse;
 - 3. Facilitates maintaining a high quality of contract actions through the exercise of sound business judgment and the inclusion of advice from subject matter experts; and,
 - 4. Drives down decision making by using risk based coordination and approval thresholds in conjunction with well-reasoned dollar based thresholds.
- B. To convey performance expectations to contracting officers relative to consultation and coordination/approval of their work; and,
- C. To provide guidance for the development of local implementing procedures.

II. APPLICABILITY:

- A. This Policy Letter applies to all organizations and elements of the Administration having contracting authority and to contract actions taken by NNSA contracting officials obligating NNSA or non-NNSA funds. For the purpose of this policy letter, the term "contract actions" includes actions relating to solicitations, contract awards and modifications, financial assistance instruments, sales agreements, subcontracts, termination settlements, and other procurement and personal property actions. Aspects of this policy letter implement coordination and approval for actions that are covered by other policy issuances of NNSA. Those other policies may exempt certain NNSA organizations or elements from their provisions. Organizations and elements that believe they are exempt from some aspects of this policy due to exemption granted from another

policy issuance of NNSA shall request exemption from those aspects of this policy in writing to the Director, Contracts Assessment and Systems Division, Office of Procurement and Assistance Management (NA-63). Any exemptions of applicability will be given in writing by the Director, Contracts Assessment and Systems Division.

- B. Contractors. The Contractor Requirements Document (Section VI) sets forth intended requirements to be applied to Contractors as determined by the contracting officer. Compliance with the CRD will be required only to the extent set forth in a contract.

III. REQUIREMENTS:

- A. All organizational elements within NNSA responsible for contract actions must comply with the following requirements:
- Adhere to the NNSA Headquarter (HQ) Coordination and Approval Process (CAP) at Exhibit #1 for actions at a level equal to or higher than the Head of Contracting Activity (HCA).
 - The NNSA Service Center (SC) shall develop a Service Center CAP. The Service Center CAP shall be submitted for NNSA HCA approval within 60 days of this letter. The Service Center CAP shall include a description of coordination and approval agreements for all actions (i) below the level of the HCA and (ii) with site offices, in which the Site Office involvement or approval is required. Subsequent changes to the Service Center CAP require prior approval of the HCA.
- B. Annual Forecast of Contracting Actions.
- 1) Sixty days prior to the start of each fiscal year, NNSA organizations having contracting authority shall provide to Board of Awards Chair, Office of Procurement and Assistance Management (NA-63), a listing of contract actions to be awarded in the upcoming fiscal year. A copy of an advance acquisition plan (see Exhibit #2 for sample plan format and contents) for each contract action must be provided with the listing. The submitting office must update the listing as changes occur throughout the year. The list shall include contract actions meeting any of the following criteria:
 - a. Action for the award, extension, or fee determination of a management and operating (M&O) contract.
 - b. Actions in excess of the administrative control thresholds established in the NNSA HQ CAP, Exhibit #1.
 - c. Actions likely to provoke unusual public interest or of a new or unusual nature.

- d. Any action, regardless of dollar value, which will, as a result of follow-on work or other circumstances, increase the contract or subcontract value by 20 percent of the contract value or 50 percent of the administrative control threshold, or lead to a new contract or subcontract with the same contractor in an amount exceeding the administrative control thresholds.

2) The Board of Awards Chair will notify the Service Center Director and Site Office Managers, thirty days prior to the start of each fiscal year, of contract actions selected by the HCA and Senior Procurement Executive for HQ coordination and approval. A waiver of HQ coordination and approval is assumed for actions not selected. However, actions meeting the coordination and approval requirements that were not identified on the initial list are not automatically waived.

C. Headquarters coordination and approval.

1. The Board of Awards (BOA) Chair, Office of Procurement and Assistance Management, (NA-63) is responsible for the HQ coordination and approval of contract actions that exceed administrative control thresholds established by the HCA.
2. The composition of the BOA may vary depending on the action being reviewed. Typically membership will include a member of the Board staff, legal, small business, and program office representation and other members as may be appropriate for a given action.
3. The contracting office, in its acquisition planning, should provide for at least a three-week review process for each phase of a contract action (i.e. planning phase, solicitation phase; pre-negotiation phase; post negotiation phase; or prior to sealed bid award) selected by HQ for review. Contracting Offices may request expedited reviews for compelling reasons. Such requests shall be made directly to the Board Chair.
4. The Board's functions are to ensure contract actions represent a good business deal for NNSA and to determine, among other things:

In the case of proposed acquisition plans if:

- a. The draft statement of work adequately and properly describes the items or services to be purchased.

- b. The market research and /or survey results are adequate in supporting the acquisition approach.
- c. The independent government estimate and rationale are adequately supported.
- d. Noncompetitive, that the justification is adequate and appropriate. If for a prime contract that the requirements of CICA are met.
- e. Competitive, that the bidders list is adequate and that sufficient research has been conducted to identify potential sources, especially qualified small business sources.
- f. The proposed contract type is appropriate.

In the case of solicitations (for both contracts and subcontracts) if:

- a. The final SOW adequately and properly describes the items and services to be purchased.
- b. Proposal preparation instructions are clear and unambiguous.
- c. Evaluation criteria are clear and provide a means of discriminating among the competing offerors.
- d. Provisions included allow proper and sound contract administration and oversight.

In the case of proposed pre-award clearance or awards if:

- a. Pre-negotiation objectives are adequately supported.
- b. Negotiations were conducted competently and the post negotiation memorandum shows all issues resolved.
- c. Evaluations of offerors were accomplished in accordance with the evaluation plan and the stated solicitation requirements.
- d. Competitive range determinations, if any, were supportable.
- e. Proposed contract reflects current regulatory/policy requirements and sound business judgment.
- f. The contract will be awarded to a responsible contractor.

In the case of proposed subcontracts, if source selection was accomplished adequately:

- a. Were negotiations conducted competently?
 - b. Were negotiations based on adequate information?
 - c. Is the subcontract in conformance with the prime contract and with the contractor's approved acquisition policies and procedures, applicable law, and Executive Orders?
 - d. Will the subcontract be placed with a responsible subcontractor?
 - e. Does the subcontract adequately protect the interests of the Government? And
 - f. Does the subcontract reflect best commercial practices?
5. The Board reports its findings and makes its recommendations in the Board minutes, which are provided to the Approving Official.
6. Electronic copies of all documentation supporting the contract action must be submitted to the Board as follows
- a. For all actions. The name and telephone number of the cognizant Headquarters program official and the local Contracting Officer and a copy of the local coordination and approval of the action (including legal review and all comments).
 - b. Acquisition Planning. The draft Statements of Work (SOW), Independent Government Estimates (IGE), and the Formal Acquisition Plan (see Exhibit 4 template).
 - c. Solicitation phase. The complete solicitation package with file documentation.
 - d. Pre-negotiation phase. Pre-negotiation plan and draft contract.
 - e. Post negotiation phase. The post negotiation summary and negotiated contract.
 - f. Prior to sealed bid award. Record of bid opening and selection documentation with a copy of the successful bid.

D. Business Strategy Groups:

1. As an alternative to paragraph III.C.1 for major contract actions, an Integrated Process Team (IPT) may be established to document a formal agreement between Headquarters and Site Offices/Service Center (SO/SC) or between SO/SC and their contractors as to the contracting outcomes needed to support intended mission objectives, the most appropriate acquisition strategy, and the scope of quality control limits/verification methodologies needed to ensure the accomplishment of an agreed to course of action and results.
2. The IPT will be chaired by a designee of the Head of the Contracting Activity (HCA) and will consist of contracting and program representatives from the Service Center, the Site Office, and the contractor as appropriate, local and/or HQs counsel, a local small business program representative, and at least one contract specialist/contracting officer who is not involved in the contract action.
3. The IPT will develop the business strategy and advance acquisition plan, establish operational control limits to guide the contracting process, refine milestones and timelines, and formalize the Acquisition Business Strategy Agreement (ABSA). The ABSA will be submitted to the Senior Procurement Executive through the BOA Chairman and the HCA for approval.
4. If the ABSA is approved, the procurement may be conducted, in accordance with the approved ABSA, through award without further HQs review or approval.
5. The Senior Procurement Executive must approve any deviation from the ABSA. Material deviations from the ABSA may require that the contract action be processed in accordance with Paragraph III -C.

IV. RESPONSIBILITIES:

- A. Office of Procurement and Assistance Management (NA-63) is responsible for:
 1. Establishing policy for coordination and approval of contract actions. The Chairman, BOA, Office of Procurement and Assistance Management (NA-63) is responsible for updating the CAP Matrix, Exhibit #1.

2. Oversight of contracting systems used by organizational elements within NNSA to ensure compliance with laws, regulations, sound business practices, and policy.
 3. Selecting contract actions for coordination and approval.
 4. Coordinating HQ approval of contract actions.
 5. Approving use of IPT's to develop ABSA's.
- B. Associate Director, Office of Business Services, NNSA Service Center is responsible for implementing a coordination and approval process meeting the requirements of this policy for contract actions awarded by the Service Center or Site Offices.
- C. Department Managers, Office of Business Services, NNSA Service Center are responsible for contract actions over which they have cognizance (unless the matrix in Exhibit #1 provides otherwise).
- D. Site Office Managers are responsible for:
1. Jointly, with the Service Center Associate Director for Business Services, develop a coordination and approval process meeting the requirements of this policy for contract actions under the cognizance of the Service Center or site office. This responsibility extends to assuring adequate checks and balances exist so that individuals responsible for initiating an action do not normally approve that action.
 2. For contract actions, over which they have cognizance (unless the matrix in Exhibit #1 provides otherwise), perform the duties specified in applicable acquisition regulations as being performed at a level above the Contracting Officer but that are below the level of the HCA.
- E. The Contracting Officer is responsible for:
1. Ensuring that contract actions receive the level of coordination and approval required by this policy letter
 2. Providing electronic copies of all necessary file documentation and any additional supporting data as requested by the reviewers in order for them to perform an adequate review of the contract file.
 3. Managing the planning, solicitation, evaluation, and award of contract actions to preclude the need for expedited coordination and approval.

4. Providing for subcontracts, when required, documentation equivalent to that required for Federal acquisition to the Chair, NNSA Board of Awards.

V. NNSA COORDINATION AND APPROVAL PROCESS:

- A. The NNSA Coordination and Approval Process Flowchart (Exhibit #3) illustrates the processes that contract actions must follow in order to obtain the required coordination and approval prior to signature and execution. Coordination and approval levels will vary according to the nature and dollar value of the contract action (option, extension, modification, etc.). The total estimated dollar value of the contract action, including option values, would be used to determine the appropriate coordination and approval level.
- B. Contract actions shall not be executed until the appropriate coordination and approval steps in this policy letter have been accomplished.

VI. CONTRACTOR REQUIREMENTS DOCUMENT: Contractors shall:

- A. If contractors have a requirement to obtain contracting officer consent or approval for certain subcontract actions, the contracting officer shall provide the equivalent documentation to that required for Federal submissions to the contracting officer.
- B. When requested, support an Integrated Process Team by providing personnel with the skills indicated in the request.

VII. POINT OF CONTACT FOR ADMINISTRATION POLICY LETTER: Director, of Policy, Office of Procurement and Assistance Management (NA-63) 202.586.8257.

BY ORDER OF THE ADMINISTRATOR:

Robert C. Braden
Senior Procurement Executive
National Nuclear Security Administration

Exhibits:

1. Coordination and Approval AP Matrix
2. Sample Advanced Acquisition Plan
3. NNSA CAP Process Flowchart
4. Sample Formal Acquisition Plan

**NNSA HEADQUARTER ACQUISITION
COORDINATION AND APPROVAL PROCEDURES**

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ACTION CODES: A- Approval C-Coordination & Review P-Preparation S-Signature N-Notification FD-File Documented Numbers reflects order in which to accomplish actions.	Program Official or SSA (HQ/Site/Service)	Patent Counsel (NNSA@)	Office of General Counsel (NNSA)@	Department head (Service)	Manager/Site Office	Board of Award	Head of the Contracting Activity	Senior Procurement Executive	Deputy or Associate Administrator	Administrator/NNSA	Agency Head
<u>Contract Awards (M&O) (FAR 17.6)</u> New Awards & Five-Year Rewrites ^ Extend/ Compete Recommendations (M&O) ^ (FAR 17.602, DEAR 917.602 and 605, AL-96-09)		C2	C3		P1 S8	C4	C5	A8	N6	N7	
Option to Extend a Competitively Awarded M&O Contract ^ (AL-96-09)		C2	C3		P1 S7	C4	A5		A6		
<u>Contract Awards (Non M&O) ^</u> Over \$5,000,000 ^		C2	C3	C1 S6		C4 *	A5 *				**

^ Action will include evidence in documents that a SC or Site as applicable, independent peer review has been conducted.

* Subject to selection under the annual HQ CAP Review Plan. For actions submitted but not selected, HQ review is waived. The waiver does not apply to actions not previously identified to NA-63, Office of Procurement and Assistance Management. Independent Review is required for all award instruments and files to be forwarded to HQ. If NA-63 Process Waiver is granted, documents will be coordinated and approved IAW the approved Service Center Coordination and Approval Process.

** Decision to extend or compete is reserved for the Agency Head.

@ Applicable actions submitted for HQ review will include evidence of appropriate and qualified counsel review and coordination (Patent or/ and Procurement). Qualification relative to the field counsel will be determined by GC-1.

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Justifications for Other Than Full & Open Competition (FAR 6.3) Over \$5,000,000			S1	S2		S3	A5		S4		
Mistakes in Bid ^ Mistakes Disclosed Before Award – Other ^ (FAR 14.407-3) Mistakes After Award ^ (FAR 14.407-4 & 33.2)	**		*** C1	C2		C3	A4				
Cancellation of Invitations After Opening (FAR 14.404 & DEAR 914.404-1 (C))			C2	C1		C3	A4				
Modifications (Non-M&O) ^ \$5,000,000 - \$10,000,000 ^ Above \$10,000,000 or More than 20% of Initial Contract Value ^			C1	C2		* C3	* A4				

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** Coordination may include the program office if mistakes involve technical requirements.

*** Coordinate with OGE on mistakes in bids (except for minor informalities or irregularities and apparent clerical procedures other than clear-cut determinations of non-responsiveness)

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Modification (Non-M&O) Site Specific ^ \$5,000,000 - \$10,000,000 ^ Above \$10,000,000 or More than 20% of Initial Contract Value ^			C1		C2 S5	* C3	* A4				
Other Contractual Actions ^ Extraordinary Contractual Actions Indemnification under PL 85-804 (FAR Part 50) Under \$50,000 \$50,000 and Over			C1	C4	** C2	C5	A6		C3		
			C1	C4	** C2	C5	C6	C7	C3		A8

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** If related to M&O or site specific contract.

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<u>Performance Evaluation Plans/Reports (M&O)</u> Review and Approval of Performance Evaluation Plans					P1 A5	C3	C4		C2		
Review and Approval of Performance Evaluation Reports Fee Determination					P1 A6 P1	C3 C3	C4 C4		C2 C2	C5 A5*	
<u>Purchasing System Approvals (M&O)</u>					P1 A4	C2	C3				
<u>Purchasing System Approvals (Non M&O)</u>				C1		C2	C3				
<u>Precontract Costs</u> Precontract Costs – period greater than 15 days (FAR 31.205-32)				C1		C2	A3				

* NA-1 approval follows recommendation by NNSA Management Council.

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<u>Protests</u> (FAR 33.103 & 104) [^] 1. Agency Level Protest Decision	**		C1	S2			***				
1a. Decision to Continue with Award or Performance 2. GAO Level Protest 2a. Decision to Continue with Award or Performance			C1 C1 C1	C2* S2***** S2		C3 C3 C3	C4 C4 C4	A5	****	A5	
<u>Ratifications</u> ^ Under \$25,000 ^ Over \$25,000 ^		C1 C1	C2 C2	C3 C3		C4 C4	A5 C5	A6			

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** Coordination with the program office may be necessary

*** Protest decided by the Procurement Executive if:
-Protester requests decision by the Procurement Executive.
-HCA is contracting officer of record at time 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 offer has been made.
-The HCA concludes that one or more of the issues raised in the protest have the potential for significant impact on NNSA acquisition policy.

* Cover letter transmitting protest file to NA-63, with copy to NA-3.1.

**** Endorsement required by the Deputy or Associate Administrator.

***** Cover letter transmitting protest file to NA-3.1, with copy to NA-63.

@ Applicable actions submitted for HQ review will include evidence of appropriate and qualified counsel review and coordination (Patent or/ and Procurement). Qualification relative to the field counsel will be determined by GC-1.

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<u>Solicitations & Amendments</u> Over \$5,000,000 ^		C1	C2	C3		* C4	* A5				
<u>Subcontract Consents (FAR 44.2) ^</u> Required Subcontract Consents (Non-M&O) Actions Exceeding \$10M ^ Subcontract Review Boards (M&O) Actions Exceeding \$10M ^			C1 C2	C2	P1 A5	* C3 * C3	* A4 * A4				
<u>Terminations (complete or partial) & Settlement Review Boards (SRBs) (Non M&O) (FAR 49) ^</u> 1. <u>Notification to Procurement Executive</u> ^ 2. <u>Terminations</u> Over \$10,000,000 ^	C1		C2 C1	S3 C2		N4 C3	N5 A4		N6 N5		

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Utility Procurement Plans (Includes draft contracts regardless of dollar value or type)* (FAR 41) ^	S2		C1			C3	* C4	* A5	** A5		
Small Business Exemptions (Non-M&O) Over \$100,000				C1			C2	C3	A4		

^ Action will include evidence in documents that a SC or Site as applicable, independent peer review has been conducted.

* HQ, NA-52, the Office of General Counsel (NA -3.1) and HQ Office of Procurement and Assistance Management (NA-63), jointly review and NA-63 approves the acquisition and sale of utilities.

** HQ, Office of Infrastructure and Facilities Management (NA-52) is the Associate Administrator for all utility acquisitions.

@ Applicable actions submitted for HQ review will include evidence of appropriate and qualified counsel review and coordination (Patent or/ and Procurement). Qualification relative to the field counsel will be determined by GC-1.

Exhibit 2
Sample Advanced Acquisition Plan

1. Contracting activity, and individual point of contact (including name/phone no.):
2. Method (sealed bid, negotiated, other):
3. Type of action (contract type (i.e., CPFF, FFP); grant; cooperative agreement; loan; etc):
4. Estimated dollar value, including any options:
5. Percentage (in %) of requirement set-aside for SB, SDB, WOB, and/or HUBZone concerns:
6. NAICS code:
7. Is the action, or portion thereof, the result of a consolidation of previously separate requirements:
8. New Award; Modification
9. Estimated month of solicitation issuance:
10. Estimated month of award:
11. Name of contractor, if known (incumbent and/or potential awardee):
12. Degree of confidence that action will be funded: High Medium Low
13. Brief description of work:

14. Degree to which this procurement has been previously reviewed by NA-63:
(Example: You are reporting a contract award from a solicitation already reviewed by Headquarters.)

Exhibit 3
Coordination and Approval Process (CAP), Process Flowchart

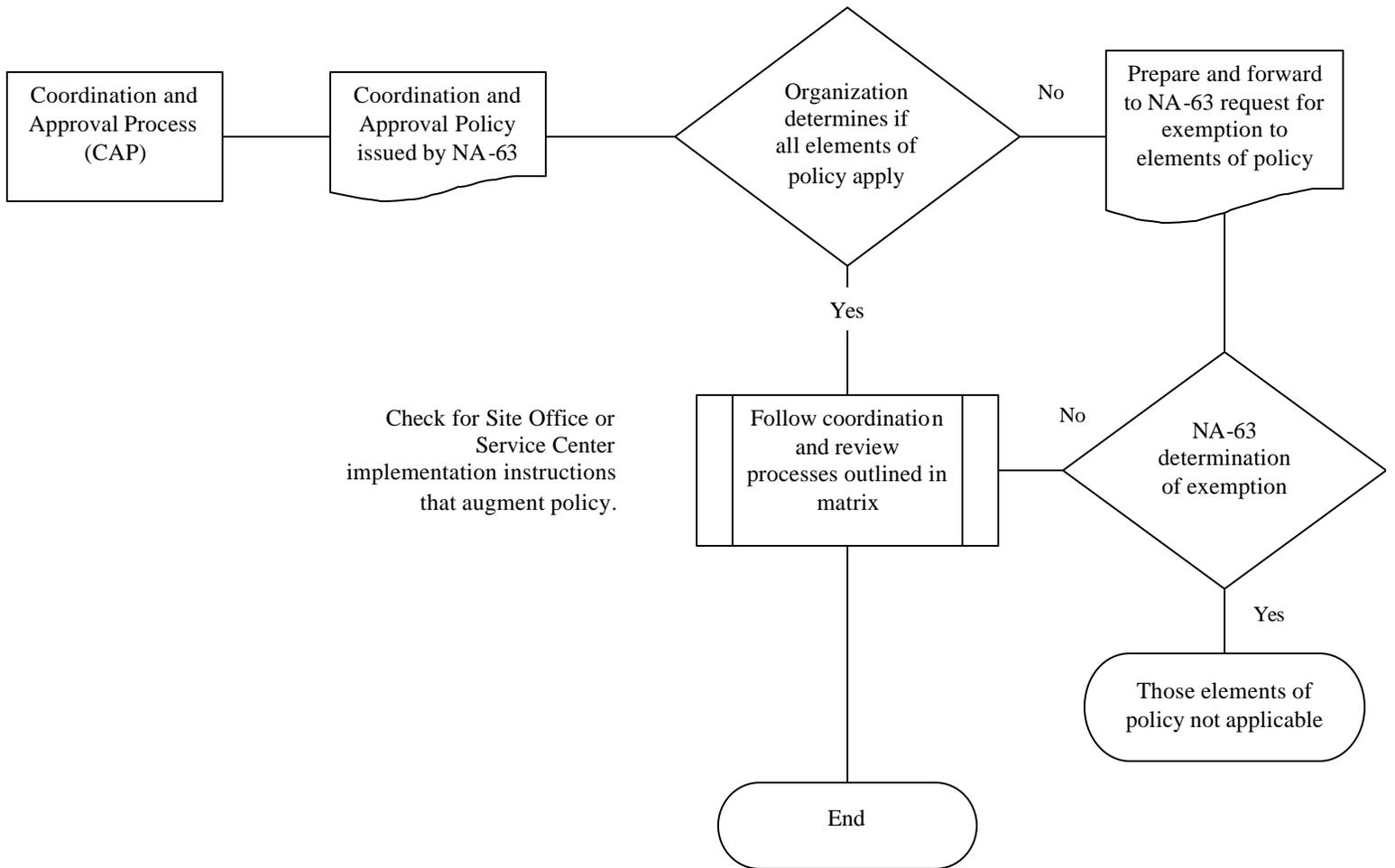


EXHIBIT 4

**FORMAL ACQUISITION PLAN
FOR
PROJECT/PROCUREMENT:**

I. PROCUREMENT BACKGROUND AND OBJECTIVES

- A. Description:
- B. Applicable Conditions:
- C. Estimated Cost:\$; Basis of Estimate:
- D. Funding Source: NNSA, DOE, Other:
- E. Capability or Performance
- F. Performance Period/Delivery Date Required:
- G. Statement of Risk: Minimal, High, Other:
- H. Cost/Technical/Schedule Trade-offs:
- I. Acquisition Streamlining:

II. PLAN OF ACTION

- A. Competition (Describe how competition will be sought):
- B. Sources (List of potential suppliers):
- C. Socioeconomic Participation (Describe the availability of capable small, small disadvantaged, and women-owned businesses):
- D. Contracting Consideration
- E. Source Selection Procedures (Attach *Justification for Single Source*):
- F. Subcontract Type:
- G. Budgeting and Funding:
- H. Priorities, Allocations, and Allotments:
- I. Contractor versus Government Performance:
- J. Inherently Governmental Functions:

- K. Management Information Requirements:
- L. Acceptance Criteria and Method:
- M. Make or Buy:
- N. Test and Evaluation:
- O. Logistics Considerations:
- P. Government Property and Other Information:
- Q. Contract Administration:
- R. Environmental, Health, and Safety Concerns (If checked, attach explanation): []
 Hazardous Waste, [] Nuclear Materials, [] Other:
- S. Computer-Related Acquisitions:
- T. Security Considerations (Describe if required):
- U. Other Requirements (Describe):
- V. Milestones for the Acquisition Cycle (Attached):

APPROVAL SIGNATURES

DATE

Requester

Procurement Representative
