



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 23 2013

Department of the Interior Acquisition Policy Release (DIAPR) 2013 - 11

Subject: Departmental Documentation Regarding Acquisition Flexibilities That Support Recovery Efforts for Severe Storms in Colorado

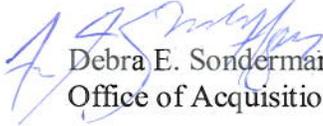
1. **Purpose:** The purpose of this DIAPR is to provide guidance on flexibilities available to support Department of the Interior (DOI) recovery efforts following the President's major disaster declaration for severe storms, flooding, landslides, and mudslides in Colorado.
2. **Effective Date:** Effective immediately upon signature.
3. **Expiration Date:** This policy release will remain in effect for 90 days from the date of signature.
3. **Background:** Beginning on September 11, 2013, Colorado experienced a series of severe storms, resulting in landslides, mudslides, and substantial flooding. On September 14, 2013, President Obama issued a major disaster declaration for parts of Colorado affected by the storms.

These declarations invoke certain emergency acquisition flexibilities authorized in Federal Acquisition Regulation (FAR) Part 18, in support of the Federal response to the disaster in the affected areas. The major disaster declaration has given rise to a continuing urgent need for supplies and services.

The Director, Office of Acquisition and Property Management (PAM), has approved the attached Class Justification and Approval for Other than Full and Open Competition in accordance with FAR Part 6. A waiver to FAR Part 5 publication requirements and suspension of the SAM waiver requirements was also approved, so that DOI contracting activities can procure needed supplies and services of an unusual and compelling nature in an accelerated fashion to support the response and recovery initiatives.

4. **Action required:** Bureau Procurement Chiefs shall ensure that the attached documents are widely disseminated within their acquisition community and that the authority provided in the document is used appropriately by Contracting Officers.

5. Additional Information: Questions may be directed to Megan Olsen, PAM, at (202) 513-0692 or via e-mail at Megan_Olsen@ios.doi.gov.


Debra E. Sonderman, Director
Office of Acquisition and Property Management

Attachment:

Class Justification and Approval for Other Than Full and Open Competition and Waiver of Publication Requirements for Acquisitions That Support Recovery Efforts for Severe Storms, Flooding, Landslides, and Mudslides in Colorado

UNITED STATES DEPARTMENT OF THE INTERIOR

CLASS JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION AND WAIVER OF PUBLICATION REQUIREMENTS FOR ACQUISITIONS THAT SUPPORT RECOVERY EFFORTS FOR SEVERE STORMS, FLOODING, LANDSLIDES, AND MUDSLIDES IN COLORADO

JUSTIFICATION

1. Federal law (41 U.S.C.253(c) (2)) authorizes contracting without providing for full and open competition under certain conditions, including unusual and compelling urgency. Exceptions are also authorized to the statutory requirements in the Small Business Act (15 U.S.C. 637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416) to provide public notice of contracting opportunities.

Beginning on September 11, 2013, Colorado experienced a series of severe storms, resulting in landslides, mudslides, and substantial flooding. On September 14, 2013, President Obama issued major disaster declarations for parts of Colorado affected by the storms.

2. I, as the Director, Office of Acquisition and Property Management, Department of the Interior (DOI), hereby issue the following waiver for any acquisitions directly related to the Department's response to the areas impacted by the major disaster, (including any action that would subsequently require formal ratification by an authorized official at a contracting activity) that are made by DOI contracting activities or any DOI acquisition personnel working in support of DOI recovery efforts; and based on 41 U.S.C. 253 (c)(2) (further described in Federal Acquisition Regulation 6.302-2, Unusual and Compelling Urgency); and 15 U.S.C. 637(c) and 41 U.S.C. 416 (further described in Federal Acquisition Regulation 5.202(a)(2)):

(a) The requirement for publication of the requirement via FedBizOpps.

(b) The requirement for full and open competition applicable to acquisitions executed in response to the major disaster declaration in Colorado.

3. The devastation to affected areas is so extensive, and the recovery needs are of such an urgent and compelling nature, that the Federal Government and the public could be seriously harmed unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. This approval and waiver shall be applied to DOI acquisitions for goods and services (including A&E and construction) related to the major disaster, as well as, any enhanced security efforts deemed to be urgently needed. It is anticipated that actions taken under this approval will be of such unusual and compelling urgency that:

(a) The total value of this class action cannot be predetermined.

(b) The nature of the emergency as opposed to a contractor's unique qualifications will require the use of this approval.

(c) The contracting officer will not have access to (in terms of time, security needs, and communication or transportation restraints) sufficient numbers of vendors to achieve normal competition. Therefore, the extent of limited competition utilized and the selection of the applicable contractor shall be at the discretion of the procuring contracting officer.

(d) Market research, beyond locating the most available responsible vendor, may require time not available in the circumstances. Nevertheless, to the extent that time is available, as determined by the contracting officer, it shall be performed.

(e) The contracting officer's signature on the award will evidence that the anticipated costs to the Government are expected to be fair and reasonable.

(f) No offerors are expected to express an interest in any applicable acquisitions since applicable procurements will not be publicized pursuant to the above waiver of FAR 5.2 publication requirements. However, if any source expresses an interest, the contracting officer shall document the file to record that fact and how the matter was resolved.

(g) System for Award Management (SAM) waiver requirements are suspended for contract actions related to these response and recovery efforts.

(h) Actions to overcome barriers to competition: Due to the unusual and compelling needs resulting from the major disaster declaration, no such actions to overcome barriers to competition need be taken.

(i) The extent and nature of harm to the Government or the public cannot be known in advance of this justification.

4. Limitations:

(a) Contracts utilizing this class justification and valued at more than \$1,000,000 life-cycle cost shall be pre-approved by the Senior Procurement Executive.

(b) Offerors must provide a DUNS number.

(c) The bureau must conduct a search of the Excluded Parties List System prior to contract award, regardless of the nature of the action. If it is determined that the bureau has a compelling reason to award a contract to a suspended or

debarred entity, the bureau must submit a written request for approval to the DOI Senior Procurement Executive.

(d) New service contracts issued utilizing this class justification shall not have a period of performance longer than one year and whenever possible will be awarded for a shorter period reflecting only the particular task(s) or emergency situation(s) urgently needing to be addressed. New procurement modifications to existing contracts shall not extend the term of the contract beyond a one-year period. Fully competitive service contracts shall replace the initial emergency contracts to the maximum extent possible when continuing service is needed. This limitation is not applicable to construction contracts where completion of the project requires more than a 12 month contract period.

(e) This class justification is limited to requirements of the Department of the Interior. DOI acquisition offices supporting the acquisition requirements of other Federal agencies may utilize class justifications issued by those agencies as authorized by the agencies.

(f) The warranted authority of the individual contracting officer shall constitute the dollar limitation for actions under this Class Justification and the review levels remain unchanged.

(g) This class justification cannot be used for acquisition actions awarded more than 90 days after the date of signature on this document without express written approval from the Senior Procurement Executive.

5. This waiver shall be applied as follows by each contracting officer:

(a) Before the award is executed, or as soon as possible thereafter, place a copy of this approval in the acquisition file along with a brief explanation indicating compliance with the applicable limitations, if any, listed above.

(b) Place with this approval in the file a short description of:
(1) action taken; (2) the supplies or services required; (3) the extent of competition pursued or a short description explaining why only one source was solicited; (4) market research undertaken, if any, in support of the action.

(c) Additionally, the file shall also contain: (1) a list of any additional vendors expressing an interest in the acquisition and a short description of the resolution of their inquiries; and, (2) a signed statement that the award was made in response to the major disaster declaration, and that the descriptions above are accurate representations to the best of his /her knowledge.

For brevity, it is suggested that 5(b) and 5(c) above be included in one document.

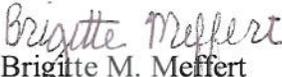
6. Internal Controls for Future Procurement Actions. Bureaus shall verify that the transactions made in support of this response/recovery effort comply with laws and regulations and were otherwise reasonable and appropriate. Further, bureaus will determine whether modifications, terminations, or follow-on transactions are in the best interest of the government.

APPROVAL

This class justification and approval is accurate and complete to the best of my knowledge. Its utility will be reviewed by the Office of Acquisition and Property Management staff for the duration of the recovery effort.

Routine acquisitions supporting the agency's mission, including routine security related acquisitions, are not covered by this approval and waiver.

CONCUR:


Brigitte M. Meffert
DOI Competition Advocate
Office of Acquisition and Property Management

APPROVAL:


Debra E. Sonderman
Director, Office of Acquisition and Property Management