



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

NOV 24 2010

PROCUREMENT MEMORANDUM 2011-05

ACTION

**MEMORANDUM FOR: SENIOR BUREAU PROCUREMENT OFFICIALS
HEADS OF CONTRACTING OFFICES**

FROM: Helen Hurcombe *Helen Hurcombe*
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Contract actions requiring Senior Procurement Executive review
and approval prior to execution

Background

As outlined in Department Administrative Orders (DAO) 208-5, *Contracting (Procurement) Review and Approval*, and 208-2, *Contracting Authority*, the Department of Commerce (Department) Senior Procurement Executive has a responsibility to provide risk management and appropriate oversight in acquisition management to ensure the Department's contracting offices are effectively and efficiently managing the procurement process. To effectively execute this responsibility it is necessary for certain contract actions to have a greater level of review prior to execution due to its dollar value, complexity, risk and/or visibility.

Purpose

The purpose of this Procurement Memorandum (PM) is to identify contract actions that require Senior Procurement Executive review and approval prior to issuance or execution. This PM also supplements the Procurement Executive review and approval requirements established in Section 4 of DAO 208-5.

Applicability

This policy applies to all contract actions as identified below.

Required Actions

The Senior Bureau Procurement Official shall submit the following contract actions prior to execution and/or issuance, to the Senior Procurement Executive:

- a. All notices preliminary to contract terminations
- b. All notices of termination (full or partial) and other final decisions
- c. All filed protests, lawsuits, claims, or appeals responses
- d. Use of emergency acquisition flexibility authority
- e. Ratifications of unauthorized commitments in excess of \$50,000

- f. FAR deviations (individual and class)
- g. Proposed responses to Congressional request for information
- h. Use of discretionary authority to declare void and rescind contracts
- i. Exclusion of sources to establish or maintain alternate sources
- j. Debarment, Suspension or Ineligibility of Contractor actions
- k. Multi-year contract cancellation in excess of \$12.5 million
- l. All planned contracts with base plus option periods in excess of five years
- m. Rejection of recommendation to set-aside an acquisition for small business
- n. Extension to contracts awarded using unusual and compelling urgency authority beyond the one-year limitation
- o. All acquisition plans for acquisitions exceeding \$10 million
- p. Justifications for Other than Full and Open Competition for proposed noncompetitive acquisitions in excess of \$62.5 million
- q. All award-fee, award-term, or incentive fee determination decisions
- r. All proposed award/incentive fee/term plan
- s. All settlement agreements
- t. All actions involving contract reformation

Submission Requirements

Electronic copies may be submitted to the Senior Procurement Executive, Helen Hurcombe at: (HHurcombe@doc.gov), or hard copies submitted to the address listed below:

U.S. Department of Commerce
Office of Acquisition Management
Attn: Senior Procurement Executive
1401 Constitution Avenue, NW - HCHB Room 6422
Washington, DC 20230

Care must be taken when forwarding any source selection information. If applicable, the document must be sealed in two envelopes with the inside envelope marked with the following notation:

“Source Selection Information – To be Opened Only by Addressee”

If you have any questions regarding this policy, please contact Sherry Dames on sdames@doc.gov or (202) 482-4721.

cc: Acquisition Community
Acquisition Council