

DEPARTMENTAL REGULATION		Number: DR 5000-4
SUBJECT: Legal Review of Contractual Actions	DATE: September 10, 1997	
	OPI: Procurement and Property Management Procurement Policy Division	

1 PURPOSE

The purpose of this directive is to establish procedures for determining when to request legal review of contractual actions.

2 CHANGES

This regulation replaces DR 5000-4, Legal Reviews of Procurement Actions, dated January 31, 1983.

3 POLICY

Departmental Regulation 5000-4 requires the legal review of solicitations for negotiated contracts that are expected to exceed \$500,000. However, the complexity of issues that arise during the acquisition process do not relate necessarily to the estimated worth of the acquisition. In fact, issues that warrant legal review may arise in acquisitions that do not involve negotiations, and at any dollar threshold.

Contracting officers are in the best position to determine whether legal advice should be sought during the acquisition process. Therefore, Contracting Officers will decide if contractual actions regardless of dollar value or complexity, require legal review. They are encouraged, on a case-by-case basis, to request legal advice at any phase of the acquisition process. Both the Federal Acquisition Regulation and the Agriculture Acquisition Regulation contain requirements for legal review and advice.

a Contractual actions that may need legal review are solicitations, contract awards, license agreements, or any other contractual document or issue deemed necessary by the Contracting Officer.

b As appropriate, Contracting Officers should include a brief statement in the memorandum detailing their decision not to obtain legal review.

c Contracting Officers must submit sufficient information to the Office of General Counsel (OGC) to facilitate their review.

d OGC shall review the package and determine if it is "*legally sufficient.*" If OGC is unable to provide a determination within 10 working days from receipt of request, the Contracting Officer should annotate the file and continue the procurement process.

e Recommendations received from OGC are advisory. Final disposition rests with the Contracting Officer. Contracting Officers should document the file if there are major differences between OGC's recommendations and their final actions.

4 INQUIRIES

Direct all inquiries through agency channels to OPPM, PPD on (202) 720-7527.