

Reclamation Manual

Policy

Subject:	Reclamation Standard Water-Related Contract Articles
Purpose:	States overall purpose of and general policy concerning Reclamation standard contract articles. The benefit of this policy, by itself, is that it clarifies, for Reclamation staff, contractors, and the public, the purpose and basic requirements for using the standard articles. In combination with the articles themselves, this policy promotes efficiency and consistency in negotiating and drafting Reclamation contracts.
Authority:	The Reclamation Act of 1902 (Act of June 17, 1902, ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; various Federal statutes, executive orders, and regulations binding on Reclamation, specified as appropriate in reference to particular standard articles found in Reclamation Manual Directives and Standards, PEC 10-01, et seq.
Approving Official:	Commissioner
Contact:	Office of Program and Policy Services; Contract Services Office, 84-56000

- 1. Introduction.** Reclamation has reduced certain contractual provisions to standard contract articles to foster consistency among contracts and efficiency in the contracting process. These provisions are required by various statutes, executive orders, regulations, and policies. Some are required in all Reclamation contracts. Some are required in all contracts of a given type. The standard articles appear in Reclamation Manual Directives and Standards PEC 10-01 through PEC 10-32, each headed by a brief explanation. The charts in paragraph 4 below match the respective articles to the contract types that are to include them.
- 2. Inclusion Generally Not Negotiable.** Where this Reclamation Policy requires that any of the standard articles appear in a given type of contract, inclusion is generally not negotiable.
- 3. Requests for Modification or Omission.** In some instances, a standard article may be modified or omitted, upon the Commissioner's approval. Requests for authority to modify or omit particular standard contract articles may be made within Bases of Negotiation for proposed contract actions or separately as the need arises during contract negotiations. Such requests will be considered on a case-by-case basis. A request must clearly state grounds, such as unintended or duplicative burdens on the contractor or that the article in question, as written, is inappropriate to the particular contract.

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4. Standard Articles Chart.

Article		Contract Type														
		Long-Term							Short-Term							
#	Name	9c	9d, 9e	WSA	EF	130	984	D&MC	R&B	9c(2)	9e	WA1	WA2	215	SOD	O&M
Project Construction																
1	Contracts with Third Parties				X	X	X	X	X				X		B	
2	Failure to Complete Work				X	X	X	X	X				X		B	
Repayment																
3	Charges for Delinquent Payments	X	X	X	X	X	X		X			X	X		B	B
4	General Obligation—Benefits Conditioned Upon Payment	X	X	X	X	X	X		X			X	X		B	B
Operation and Maintenance (O&M)																
O&M of Transferred Works—Payment of Miscellaneous Costs (+ Hold Harmless)																
5	• Federal Construction	O	O	O	O				O				O			X
6	• Federally Assisted Construction					X	X		X				X			X
7	Examination, Inspection, and Audit of Project Works, Records, and Reports Reserve Fund (One of the Following)	O	O	O	O	X	X		X				O		B	X
8	• Annual Deposit	X	X	X	O	X	X		O							X
9	• One-Time Deposit	X	X	X	O	X	X		O							X
General Provisions																
10	Confirmation of Contract	X	X	X	X	X	X		X			X	X		B	
11	Notices	X	X	X	X	X	X	X	X			X	X		B	B
12	Contingent On Appropriation or Allotment of Funds	X	X	X	X	X	X	X	X	X	X	X	X	X	B	X
13	Officials Not to Benefit	X	X	X	X	X	X	X	X	X	X	X	X	X	B	X
14	Changes in Contractor's Organization	X	X	X	B	X	X		B			X	X		B	X
15	Assignment Limited—Successors and Assigns Obligated	X	X	X	X	X	X	X	X	X	X	X	X	X		X
16	Books, Records, and Reports	X	X	X	X	X	X	B	B	X	X	X	X	X	B	B
17	Compliance with Federal Reclamation Laws/ Rules, Regulations, and Determinations/ Compliance with Small Reclamation Project Laws	X	X	X	X	X	X		X	X	X					
18	Administration of Federal Project Lands	O	O	O					O	O	O	O	O		O	X
19	Protection of Water and Air Quality	X	X	X		B			B	X	X	X	X	X		X
20	Contamination or Pollution of Federal Property	O	O	O		O	O		O	O	O	O	O			X
21	Clean Air and Water				X	X	X		X				O			X
22	Water Conservation	X	X	X	X	X	X		X			X	X			
23	Equal Employment Opportunity • Federal Construction	X	X	X	X				X	X	X	X	X	X	B	B
24	• Federally Assisted Construction					X	X	X	X				X		B	B
25*	Compliance with Civil Rights Laws and Regulations	X	X	X	B	X	X	B	B	X	X	X	X	X	B	B
26	Certification of Nonsegregated Facilities				B	X	X	B	B			X	X		B	B
27	Relocation Assistance and Real Property Acquisition					X	X		X				O			X
28*	Privacy Act Compliance		X			X	X		X		X					
29	Pest Management	O	O	O		O	O		O	O	O	O	O			X
30	Medium for Transmitting Payments	X	X	X	X	X	X	X	X	X	X	X	X	X	B	X
31	Contract Drafting Considerations	X	X	X	X	X	X	X	X	X	X	X	X	X	B	X
32	Constraints on Availability of Water	X	X	X			Y			X	X					

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1/ Key to Abbreviations

<u>Abbreviation</u>	<u>Authority</u>
9c(1)	Subsection 9(c) (1) of the Reclamation Project Act of August 4, 1939 (1939 Act) (Pub. L. 76-260), as amended (43 U.S.C. § 485h(c)) (Repayment contracts for municipal & miscellaneous water purposes).
9(c)(2)	Subsection 9(c) (2) of the Reclamation Project Act of August 4, 1939 (1939 Act) (Pub. L. 76-260), as amended (43 U.S.C. § 485h(c)) (Water service contracts for municipal & miscellaneous water purposes).
9d, 9e	Subsections 9(d) & (e) of the 1939 Act, as amended (43 U.S.C. § 485h(d) & (e)) (irrigation).
W SA	Water Supply Act of July 3, 1958 (Pub. L. 85-500, Title III), as amended (43 U.S.C. § 390b).
W A 1	Section 1 of the Warren Act (Act of February 21, 1911, Pub. L. 61-406; 43 U.S.C. § 523) (secondary to project lands and entryman use of Federal facilities for storage or conveyance of nonproject water).
W A 2	Section 2 of the Warren Act (43 U.S.C. § 524) (construction and/or use, not secondary to project lands or entryman, of facilities for storage or conveyance of nonproject water).
EF	Emergency Fund Act of June 26, 1948 (Pub. L. 80-790; 43 U.S.C. §§ 502 & 503).
130	Distribution Systems Loan Act of July 4, 1955 (Pub. L. 84-130), as amended (43 U.S.C. §§ 421a through 421d).
984	Small Reclamation Projects Act August 6, 1956 (Pub. L. 84-984), as amended (43 U.S.C. §§ 422a through 422k).
D & M C	Drainage & Minor Construction (Act of June 13, 1956, Pub. L. 84-575; 43 U.S.C. § 505) .
R & B	Rehabilitation & Betterment Act of October 7, 1949 (Pub. L. 81-335), as amended (43 U.S.C. § 504).
215	Section 215 of the Reclamation Reform Act of October 12, 1982 (Pub. L. 97-293, Title II), as amended (43 U.S.C. § 390oo) (temporary supply of water).
S O D	Reclamation Safety of Dams Act of 1978 (Pub. L. 95-578), as amended (43 U.S.C. §§ 506 through 509).

2/ Article Symbols

<u>Symbol</u>	<u>Meaning</u>
X	Required.
A	Required for all non-federal construction programs.
B	Can be included by reference to the basic contract which these contracts supplement, if consistent with prevailing standard articles.
O	Use when the operational responsibility has been transferred to the Contractor or will be transferred at the time of contract execution.
Y	Required if Reclamation provides the water supply.

Note

* Not required in contracts if the contractor is also the water user.