

# RECLAMATION

*Managing Water in the West*

## *How To Survive The Acquisition Process In The Bureau Of Reclamation*



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Bureau of Reclamation  
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# **HOW TO SURVIVE THE ACQUISITION PROCESS IN THE BUREAU OF RECLAMATION**

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Like most people, this may be all you've heard about Government acquisition. Regrettably it's only the negative side.

With all the publicity about overcharges on hammers, toilet seats, and weapon systems, do you wonder how the Government does spend tax money?

When a product doesn't work, have you heard the expression: "Well, what can you expect from the low bidder?"

Have you heard of a Senator's "golden fleece" awards. Which are given to criticize defective, costly, or questionable products bought by the Government?

Most Reclamation employees will be involved with acquisition in some way during their careers. Acquisition may involve simple matters of buying books or training courses, or it may involve more complex matters like building dams and related structures, providing architect-engineering and other professional services, or buying major studies or computer systems.

This brochure will help you understand how Reclamation buys what you need and what your role is in that process. After you read this brochure, we hope you will be aware of what we are doing to spend your tax money wisely. Also, should you need to buy something to perform your job, this will help you get started and should help all of us avoid getting into trouble.

## **1. What is ACQUISITION?**

Acquisition is the Government's buying of products or services from a contractor, a nonprofit organization, another Government agency, or a State. You will also hear the words "contract" or "purchase" to describe acquisitions. These and other common acquisition terms are defined in the back of this brochure.

Reclamation buys many products and services, from office supplies, scientific products, research and development studies, construction, and state-of-the-art equipment, to automated data processing systems and services. You are probably in an acquisition situation when you ask yourself, "Will Reclamation have to pay money to someone else for what I need?"

Like you, Reclamation has different ways of buying goods and services. As Reclamation's contract specialists and purchasing agents, we charge, write checks, and sign contracts or similar documents. Just as when you buy a car or appliance, we comparison shop to get the best deal.

Unlike you, however, Reclamation has special powers and responsibilities in spending money. You as a taxpayer have entrusted the Federal Government with your money, and this money can be spent only for goods and services that are legally permitted and needed by Reclamation to perform its public service.

Trying to balance getting the job done with watching your tax money can be frustrating – both to you and to our acquisition people who hate to say no but sometimes must. Therefore, when you need to buy something, ask yourself, "Is this the best use of the taxpayer's money?"

## **2. What May Reclamation Buy?**

Reclamation may buy almost anything (except employee's personal convenience items, or items that waste funds) as long as the purchase helps accomplish Reclamation's public responsibilities. However, how to purchase items is equally important. BOR's Reclamation Instructions, "Reclamation Acquisition Regulation System" (RARS), prescribe procedures for buying which implement or supplement the Federal Acquisition Regulation (FAR) and the Department of the Interior Acquisition Regulation (DIAR). In addition, technical, program, and administrative approvals are required for certain items. Consult your local acquisition office for help in determining procedures that apply to what you want to buy.

## **3. Who Can Buy?**

You don't want to have to learn some 4,000 laws and regulations to be able to buy for the Government, do you? Because of the billions of dollars spent by the Government and the great economic effect of those billions, regulations and laws have multiplied over the years to ensure that those dollars are spread fairly and equitably – that all taxpayers get a fair chance at this business. This is why so much emphasis is put on competition.

Every time Reclamation buys something, we don't need to apply or consider all of those laws and regulations, however, we have to know which ones apply to each purchase. This is why the only Reclamation people who buy or make commitments to buy for Reclamation are the contracting officers (COs) or persons delegated special written acquisition authority. These acquisition people have had training and experience that help them wade through the regulations that control buying, and they have warrants that give them the authority to make purchases.

The following defines the levels of CO Certificate of Appointments (COAs):

Level I – Up to \$100,000

Level II – Up to \$10,000,000

Level III – Up to Unlimited

#### **4. What is Your Role in the Acquisition Process?**

If you need to buy something, you need to define clearly what you need, how much you need, when you need it, where it should be delivered or performed, and which firms (if known) have the capabilities to perform or provide the work or product. You also need to obtain any required approvals, estimate how much the work or product will cost, and assure that funds exist to pay for the work or product. Start the process by entering your requisition in Interior Department Electronic Acquisition System – Procurement Desktop (IDEAS-PD) and submitting it to your acquisition office. You may be asked to assist the contract specialist or purchasing agent in determining an acceptable source. When the work or product is performed or received, you may also be asked to inspect it with the receiving officer or purchasing agent to see that it meets your needs.

If you need something more complex, such as state-of-the-art equipment, professional services, research and development studies, construction, or major computer systems, your role as a member of the acquisition team will be greater. It will require more work on your part to develop statements of work, to evaluate offers as a member of the technical proposal evaluation committee (TPEC), or to monitor a contractor's performance as a contracting officer's representative (COR).

Put simply, acquisition is a structured process. The CO leads the team, but you provide essential support. You provide the technical know-how (what you need), and acquisition specialists provide the business knowledge (how to get it). Acquisition specialists determine when required sources must be used, what method will be used to make the purchase, what degree of competition is required, what type of transaction document is needed, and price reasonableness. For more complex and high dollar procurements, the Solicitor and auditors may participate on the team.

#### **5. Can You Expect to Receive What You Need When You Need It?**

Yes, if you remember to plan your needs and contact the acquisition office as soon as you know what you need.

The acquisition office will do its utmost to see that you get what you need when you need it. But much depends on your understanding of the process, what you want to buy, how well you describe it, what approvals are needed and what acquisition method is used. Only bona fide emergencies (poor planning is not one) permit us to shorten the process.

## **6. Can You Get What You Want From the Source That You Want?**

You can get what you want, but not necessarily from the source you want.

Certain items must be bought from mandatory or required sources (for example, other Federal agencies, prisons, nonprofit agencies for the blind and handicapped) because they are usually the least costly, most efficient means of obtaining the items. In addition, to stimulate the economy, laws and regulations encourage and permit restricting competition to small and disadvantaged businesses and to businesses in underutilized business zones. These sources must be considered first. If they can provide what you need, we must buy from them. If they can't, we can consider other sources.

Generally, all responsible sources must be allowed to compete for contracts. There are few exceptions to this rule.

If you know or have a sound reason for believing that the source you want to use is the only source that can meet your needs, then we must test the marketplace. This test may include a public announcement of what you want done and what source you plan to use. Any responsible source that responds to this announcement by providing evidence that it can do the job must be given a chance to compete.

Remember that regardless of which source provides the product or service, the source must provide what was agreed to in the contract.

## 7. Do's and Don'ts of Acquisition

Here are some Do's and Don'ts of the acquisition process. They are based largely on common sense.

<b>DO</b>	<b>DON'T</b>	<b>WHY</b>
<p>Have a warranted CO make a financial commitment for Reclamation.</p>	<p>Don't make a commitment that requires Reclamation to pay for a product or service, unless you're a CO.</p>	<p>You may be personally liable to pay for the product or service and be subject to disciplinary action if you improperly commit the Government. Besides, you will have to go through a painful process to determine if you have to pay, the contractor's payment will be delayed, and congressional inquiries may have to be answered.</p>
<p>As soon as you need to buy something, contact the acquisition office to determine the following:</p> <ul style="list-style-type: none"> <li>• best way to approach it,</li> <li>• steps/ actions needed,</li> <li>• whether your needs are recurring.</li> </ul>	<p>Don't delay the acquisition process until you have all the facts or because you don't know how to write a description of what you need.</p>	<p>Acquisition lead times can be long and procedures differ. The sooner a CO knows of a requirement, the more likely you'll get what you want when you need it. For recurring needs, lead times can be greatly shortened for later purchases.</p>
<p>Ask you acquisition office about different methods and alternatives to use in buying what you need.</p>	<p>Don't assume that the CO awards contracts only to the low bidder.</p>	<p>Depending on what you need and how important or definite your requirements are, the award can be made on factors other than price or from different sources.</p>

## 7. Do's and Don'ts of Acquisition (cont.)

<b>DO</b>	<b>DON'T</b>	<b>WHY</b>
Define your minimum need.	Don't buy a gold-plated pencil when a wooden one will do.	"Gold-plating" is a waste of your tax money, and by buying more than your minimum need you may become personally acquainted with the Inspector General and the General Accounting Office.
Use generic terms rather than brand names to describe products.	Don't describe your needs so that only one source can get the award when others can do the job as well.	You must go through many hoops to use a single source. In many cases, competitors will find out about a single source because the requirement has to be publicly announced. Protests by competitors can result in delays and unanticipated costs if we lose!
Describe how we will measure the quality of the contractor's work.	Don't describe only what you need without setting standards.	You may not get the quality you want if the contract does not require it.
Describe your needs for services and studies by what needs to be done rather than how it should be done.	Don't describe your needs so that only one method or approach can accomplish your task or objective.	You may unnecessarily restrict competition by describing a single method of getting the job done. Just describe what needs to be done, and allow the competitive marketplace to respond.



## 7. Do's and Don'ts of Acquisition (cont.)

<b>DO</b>	<b>DON'T</b>	<b>WHY</b>
<p>Validate the availability of funds for the requirement with your office/ chief and budget office. Their signatures on the requisition certify that you have money in your budget to pay for the purchase.</p>	<p>Don't submit a request for an acquisition without funding or in excess of appropriations without including the statement "subject to availability of funds."</p>	<p>It is unlawful to obligate or expend funds that are in excess of appropriations (Anti-Deficiency Act)</p>
<p>Forward all questions through the CO to determine what can be told to one vendor and what should be told to all before announcing an acquisition or receiving bids and proposals.</p>	<p>Don't release "inside" information or information not available to all vendors either before or during an acquisition. Don't discuss requirements or quotes with potential contractors.</p>	<p>Releasing this information can give a potential offeror an unfair competitive advantage, which may result in protests, cancellation of the requirement, and disciplinary actions.</p>
<p>Once proposals or bids are received, discuss evaluations of potential contractors only with those in Reclamation that have a need to know. After an award discuss this information only during debriefing.</p>	<p>Don't discuss who proposed or bid on an acquisition, proprietary information, how many offerors are being considered, or who is being selected or why.</p>	<p>Competitors are sharp. The release of this type of information can result in higher costs to Reclamation, can delay or stop the acquisition, or can result in a suit against the Government.</p>

## 7. Do's and Don'ts of Acquisition (cont.)

### DO

Follow up to make sure that the contractor performs or delivers on time. You must also approve, review, or inspect on time.

Assure that you have no conflict of interest and would not personally benefit from an acquisition.

### DON'T

Don't fail to monitor a contractor's performance or fail to perform your contract responsibilities.

Don't propose to issue a contract or buy something from persons or a company (1) with whom you are related or have invested or lent money, (2) by whom you were employed, (3) with whom you had or have a relationship that would compromise or appear to compromise Reclamation's best interests.

### WHY

You may not get what you want, or you may not get it at the agreed-upon time.

Conflicts of interest may result in disciplinary action or civil penalties. See your ethics counselor for further information.

If you have questions about the acquisition process, ask your local acquisition office.

## 8. Common Acquisition Terms

1. **Purchase Requisition** – Your shopping list of what you need and when.
2. **Statement of Work or Specification** – Your description of performance requirements for what you want to buy.
3. **Mandatory or Required Source** - A government-established source of supply that must be given first priority in satisfying requirements.
4. **Small Purchase** – Simplified procedures used to buy items under \$25,000 from commercial sources.
5. **Purchase Order** – The document issued by the acquisition office that orders what you need from the supplier.
6. **Contract** – An agreement in which a contractor agrees to provide a product or service and Reclamation agrees to pay for it.
7. **Solicitation** – Reclamation’s public statement of what it needs to buy and its request for bids or proposals from potential contractors.
8. **Synopsis** – A published notice to potential contractors that Reclamation will soon be issuing a solicitation.
9. **Responsible Source** – A contractor, government agency, or organization that Reclamation or the Small Business Administration has decided is capable of providing what you need.
10. **Full & Open Competition** – Acquisitions in which all responsible sources are permitted to compete for what you want to buy.
11. **Full & Open Competition After Exclusion of Sources** – Acquisitions in which only selected firms or groups of firms are permitted to offer what you need; i.e., small business set-aside, underutilized business zone set-aside or set-aside for small disadvantaged or 8(a) certified businesses.
12. **Other than Full & Open Competition** – Acquisitions which require a justification based on seven exceptions. See FAR 6.3.