



MAY - 9 2001

Washington, D.C. 20530

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM:


Janis A. Sposato
Procurement Executive

SUBJECT: DOJ Procurement Guidance Document 01-2: Use of the Department's Special Authority to Contract for Detention or Incarceration Space or Facilities.

Section 119 of the Department of Justice Appropriations Act for 2001 (Public Law 106-553) authorizes the Attorney General to enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis (notwithstanding the Service Contract Act provision that service contracts be limited to a 5 year period of performance). The purpose of this document is to provide guidance for the use of this authority.

This special contracting authority may not be used without the written approval of the Procurement Executive. Requests for approval shall be submitted as part of the initial phase of acquisition planning phase for the project. The decision of the Procurement Executive will, therefore, provide the basis for choosing the procurement strategy best suited for each specific requirement. The following information must be included with the approval request:

- Complete description of the facility/services to be acquired
- Duration of performance (contract term)
- Estimated cost
- Ownership of the Facility: Government or Contractor
- Extent of competition expected
- Type of contract contemplated
- Geographic location
- Capacity requirements
- Level of security
- Related service needs
- Basis for requesting this authority
- Concurrence of the Bureau Procurement Chief

Please add this document to your collection of DOJ Procurement Guidance Documents. If you have any questions, please call H.B. Myers at (202)616-3758.

cc: Director, Office of General Counsel, JMD

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SEC. 117. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, \$2,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 118. Notwithstanding any other provision of law, for fiscal 2001 and hereafter, with respect to any grant program for which amounts are made available under this title, no grant funds may be made available to any local jail that runs "pay-to-stay programs."

SEC. 119. Notwithstanding any other provision of law, including section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis.

This title may be cited as the "Department of Justice Appropriations Act, 2001".



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

April 24, 2001

MEMORANDUM FOR ROBERT S. MUELLER, III
Acting Deputy Attorney General

Re: Proposed Order Delegating
Contracting Authority for Detention
and Incarceration Space or Facilities

ACTION MEMORANDUM

The attached proposed order was prepared by the Justice Management Division and was forwarded by your Office to this Office for review with respect to form and legality.

The proposed order will delegate to the Assistant Attorney General for Administration the Attorney General's authority under 28 U.S.C. § 2467 to contract for detention and incarceration space or facilities.

The proposed order is approved with respect to form and legality.

Daniel L. Koffsky
Acting Assistant Attorney General



Washington, D.C. 20530

APR 16 2001

MEMORANDUM FOR ~~THE ACTING DEPUTY ATTORNEY GENERAL~~

FROM:

~~JANIS A. SPOSATO~~
Acting Assistant Attorney General
for Administration

SUBJECT:

Delegation of Extended Detention and Incarceration
Contracting Authority to the Assistant Attorney
General for Administration (AAG/A) for
Redelegation to the Procurement Bureau Chiefs

PURPOSE:

To obtain a delegation of the authority contained
in section 119 of the Department of Justice Appropriations Act
for FY 2001 (P.L. No. 106-553) to the AAG/A for redelegation to
the Bureau Procurement Chiefs.

TIMETABLE:

As soon as possible due to pending procurement
actions.

SYNOPSIS:

On December 21, 2000, new appropriations language
was passed which grants the Attorney General authority to enter
into contracts and other agreements, of any reasonable duration,
for detention and incarceration space or facilities, including
related services, on any reasonable basis. The contracting
flexibility provided by this language will stimulate competition
and promote cost efficiencies in several areas of detention
services.

The Bureaus have requested that this authority be delegated to
their procurement chiefs. To ensure that the Bureaus use the
authority properly, I am requesting that this authority be
delegated to the AAG/A pursuant to your authority under
28 CFR 0.15(a). My office will provide the necessary oversight
through the Office of the Procurement Executive.

Memorandum for the Acting Deputy Attorney General
Subject: Delegation of Extended Detention and
Incarceration Contracting Authority

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RECOMMENDATION: Approve the request for delegation of the authority contained in section 119 of the Department of Justice Appropriations Act for FY 2001 (P.L. No. 106-553) detention and incarceration space or facilities to the AAG/A for redelegation to the Procurement Bureau Chiefs.

APPROVE: 

4/27/01

Concurring Components:

None

DISAPPROVE: _____

Nonconcurring Components:

None

OTHER: _____

Attachment



Office of the Deputy Attorney General
Washington, D.C. 20530

ORDER NO.

DELEGATING TO THE
ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
CONTRACTING AUTHORITY FOR DETENTION AND
INCARCERATION SPACE OR FACILITIES

By virtue of the authority vested in me by the Attorney General of the United States, including 28 C.F.R. § 0.15, I hereby delegate to the Assistant Attorney General for Administration the authority contained in section 119 of the Department of Justice Appropriations Act for FY 2001 (Pub. L. No. 106-553) to enter into contracts and other agreements for detention and incarceration space or facilities.

4/27/01
Date

Robert S. Mueller, III
Robert S. Mueller, III
Acting Deputy Attorney General