

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Reclamation Standard Water-Related Contract Articles, Article 32: Constraints on the Availability of Water (Water Shortages)
<b>Purpose:</b>	To commit Reclamation's Standard Contract Article 32 to the Reclamation Manual, introduced by a brief description and direction regarding its use, for the benefit of making it easily accessible and promoting Reclamation-wide consistency in its use and content.
<b>Authority:</b>	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto.
<b>Approving Official:</b>	Director, Office of Program and Policy Services
<b>Contact:</b>	Office of Program and Policy Services; Contracts Services Office, 84-56000

1. **Constraints on the Availability of Water (Water Shortages).** This article states the basic authority and responsibility of the United States during times when the full amount of water under the contract cannot be delivered. It requires the Contracting Officer to use all reasonable means to guard against a "Condition of Shortage," and to notify the contractor if a Condition of Shortage appears probable. It further states that the United States cannot be held liable for results of shortages beyond the Contracting Officer's control or resulting from actions taken by the Contracting Officer to meet current and future legal obligations. The charts included in Reclamation Manual Policy PEC P10 specify which contract types require standard article 32.
2. **Reclamation Standard Contract Article 32.**

### CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)

(a) In its operation of the Project, the Contracting Officer will use all reasonable means to guard against a Condition of Shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the Contracting Officer determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

(b) If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the Contracting Officer or actions

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taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.