

Reclamation Manual

Directives and Standards

Subject:	Reclamation Standard Water-Related Contract Articles, Standard Article 10: Confirmation of Contract
Purpose:	To provide requirements for the content and application of Standard Article 10: Confirmation of Contract (Standard Article 10), for the benefit of supporting general policy and specific requirements set forth in Reclamation Manual Policy PEC P10, <i>Reclamation Standard Water-Related Contract Articles</i> (PEC P10).
Authority:	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto; especially section 1 of the Irrigation Districts and Farm Loans Act of 1922 (1922 Act) (Pub. L. 67-219; 42 Stat. 541; 43 U.S.C. § 511); and subsection 2(g) of the Reclamation Project Act of 1939 (Pub. L. 76-260; 53 Stat. 1187; 43 U.S.C. § 485a(g)).
Approving Official:	Director, Policy and Administration
Contact:	Water and Environmental Resources Division, 84-55000

1. **Introduction.** This Directive and Standard provides the text for Standard Article 10 and addresses related requirements. It sets forth two versions of Standard Article 10—Versions A and B. Version A addresses the requirement of contract confirmation by a court decree pursuant to section 1 of the 1922 Act (see Paragraph 5.A. below). Version B addresses verification of certain matters by the contractor without the need for a court decree (see Paragraph 5.B. below). Each version states that the contract will not bind the United States until the Article’s requirements are met. Paragraph 6 of PEC P10 indicates which contracts require Standard Article 10, without distinguishing between versions A and B. The paragraph introducing each of the versions below provides direction on which contracts require it.
2. **Applicability.** This Directive and Standard applies to Reclamation staff and officials involved in the contracting process, as defined at Paragraph 3.A. of PEC P10, for contracts requiring Standard Article 10 under Paragraph 6 of PEC P10 and this D&S.
3. **Definitions.**
 - A. **Irrigation District.** For purposes of this D&S, the term “irrigation district” refers to any organization created pursuant to State law, whether or not it is called an irrigation district, which is authorized by its State to enter into a contract with the United States for irrigation water under any of the contracting authorities requiring Standard Article 10 according to Paragraph 6 of PEC P10.
 - B. See Paragraph 3 of PEC P10.

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4. **Responsibilities.** See Paragraph 4 of PEC P10.
5. **Text of Standard Article 10.**¹
 - A. **Version A: Court Confirmation.** Version A of Standard Article 10 is generally required in the contracts indicated in the chart at Paragraph 6 of PEC P10 where they are entered with irrigation districts, as defined above at Paragraph 3.A. It may be omitted from (1) contracts with Federally-recognized Indian tribes, and (2) amendatory or supplementary contracts where the only result of the contract action is to implement an administrative or financial practice, as specifically allowed or directed by Federal law, which does not increase or decrease the original obligation, nor extend the repayment term beyond the term of the existing contract.

CONFIRMATION OF CONTRACT

Promptly after the execution of this contract, the Contractor shall provide to the Contracting Officer a certified copy of a final decree of a court of competent jurisdiction in the State of _____, confirming the proceedings on the part of the Contractor for the authorization of the execution of this contract. This contract shall not be binding on the United States until such final decree has been secured.

- B. **Version B: Confirmation by Contractor.** Version B of Standard Article 10 is required in the contracts indicated at Paragraph 6 of PEC P10 where they are entered with entities other than irrigation districts, as defined above at Paragraph 3.A.

CONFIRMATION OF CONTRACT

Promptly after the execution of this contract, the Contractor shall provide evidence to the Contracting Officer that, pursuant to the laws of the State of _____, the Contractor is a legally constituted entity and the contract is lawful, valid, and binding on the Contractor. This contract shall not be binding on the United States until such evidence has been provided to the Contracting Officer's satisfaction.

¹Approved 02/71; revised 11/84; 01/02; 04/10.