




DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Acquisition Bulletin (AB)
No. 09-02 Revision 1
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MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Thomas A. Sharpe, Jr. 
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SUBJECT: **Office of Management and Budget (OMB) Requirements
for Acquisition and Assistance Agreements in Support
of the American Recovery and Reinvestment Act of 2009**

1. **Purpose:** To update Department of the Treasury guidance for acquisitions conducted under the American Recovery and Reinvestment Act (Recovery Act). This Acquisition Bulletin (AB) Revision incorporates current Office of Management and Budget (OMB) guidance outlining requirements and guidelines to effectively manage activities (including acquisition) under the Recovery Act and supporting Office of the Procurement Executive (OPE) policy.

Note: The American Recovery and Reinvestment Act may be referred to as Recovery Act or ARRA in this document.

2. **Effective Date:** Immediately.

3. **Expiration Data:** When cancelled or superseded.

4. **Background:** OMB issued Memorandum M-09-10 dated February 18, 2009, to promulgate an initial set of government-wide requirements and guidelines transmitting the first installment of guidance for carrying out programs and activities enacted in the Recovery Act. OPE issued AB 09-02 on February 19, 2009, to implement M-09-10 and, since, has issued guidance in various forms to implement subsequent related policy. AB 09-02 Revision 1 incorporates all Recovery Act guidance issued to date by OPE as well as new policy in support of OMB requirements and replaces AB 09-02 in its entirety.

This AB sets forth Treasury-specific contracting policy. Bureau Chief Procurement Officers (BCPOs) are responsible for compliance with all OMB guidance, regardless of its specific inclusion or exclusion in this document. While it is OPE policy to provide BCPOs with updates and new guidance as issued by OMB, BCPOs are encouraged to monitor the OMB web site and to be familiar with the policy provided.

All OMB Recovery Act guidance is available at http://www.whitehouse.gov/omb/recovery_default/.

As of this date, posted OMB Recovery Act contracting policy includes, but is not limited to, the following:

M-09-15, Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009 (April 3, 2009);

M-09-16, Interim Guidance Regarding Communications with Registered Lobbyists About Recovery Act Funds (April 7, 2009) (*Note: Treasury guidance issued separate to this AB.*);

M-09-30, Improving Recovery Act Recipient Reporting (September 11, 2009);

Office of Federal Procurement Policy Memo, Interim Guidance on Reviewing Contractor Reports on the Use of Recovery Act Funds in Accordance with FAR Clause 52.204-11 (September 30, 2009);

M-10-05, Improving Compliance in Recovery Act Recipient Reporting ;

M-10-08, Updated Guidance on the American Recovery and Reinvestment Act – Data Quality, Non-Reporting Recipients, and Reporting of Job Estimates (December 18, 2009);

M-10-14, Updated Guidance on the American Recovery and Reinvestment Act (March 22, 2010); and

M-10-17, Holding Recipients Accountable for Reporting compliance under the American Recovery and Reinvestment Act (May 4, 2010).

5. **Responsibilities:**

a. **Bureau Senior Accountable Officials shall:**

(1) Ensure overall compliance of Recovery Act contracting actions and operations with governing policy issued by OMB, Department of the Treasury (to include OPE) and other executive authorities; and,

(2) Ensure proactive, timely, and compliant oversight of recipient (vendor) reporting in FederalReporting.gov.

b. **BCPOs shall:**

(1) Ensure overall compliance of Recovery Act contracting actions and operations with guidance issued by OMB, Department of the Treasury (to include OPE) and other executive authorities;

(2) Facilitate maximum support for use of competition, fixed price contracts, and participation by small and disadvantaged businesses;

(3) Ensure compliance with the Federal Acquisition Regulation (FAR) and with local policy, to include guidance specific to the Recovery Act;

(4) Enforce proactive and assertive contract management to ensure completion of Recovery Act contract actions on schedule and within budget; and,

(5) Ensure proactive, timely, and compliant oversight of recipient (vendor) reporting in FederalReporting.gov.

c. OPE shall:

(1) Provide oversight and support to ensure compliance of Recovery Act contract actions with guidance issued by OMB, Department of the Treasury, and other executive authorities;

(2) Disseminate proposed and newly established FAR requirements for Recovery Act contract transactions;

(2) Establish, disseminate, and maintain Treasury-specific guidance for execution of Recovery Act contract actions;

(3) Provide, if needed, one-on-one assistance with bureau and vendor personnel in execution of strategy development, reporting and other actions;

(4) Proactively manage Recipient Reporting on contract actions, to include review of 100% of contract data reported (contingent on the number of contracts remaining minimal) and review of FederalReporting.gov and other information to further monitor Treasury contracting data; and,

(5) Execute and manage all other corporate level contracting initiatives as related to the Recovery Act.

6. Required Actions:

a. Agency Plans and Public Reporting

(1) **Financial Reports.** BCPOs shall comply with guidance issued by OMB and the Department of the Treasury (to include the Strategic Planning and Performance Management Office, the Deputy Chief Financial Officer (DCFO) office, and cognizant CFO offices).

(2) **Recipient Reporting.**

(a) **Timeline.** OMB recipient reporting timeline is provided at <https://www.federalreporting.gov/federalreporting/home.do>.

(b) BCPOs shall:

(1) Enforce proactive and aggressive monitoring of Recipient Reporting;

(2) Ensure compliance with reporting oversight policy and schedule of OMB, OPE, the Office of the Deputy Assistant Secretary for Management and Budget (DASMB) (Treasury), and other offices representing the Treasury Recovery Act Accountable Official;

(3) Contact vendor(s) immediately upon identification of any problems with data entered;

(4) Work closely with vendors to ensure timely and accurate resolution; and

(5) Notify OPE and the DASMB of status, as required.

b. Contracts

(1) **Approval of non-Recovery Act friendly strategies.** BCPOs must obtain corporate level review and approval of all non-Recovery Act friendly acquisition strategies prior to posting of public announcement. Any Recovery Act procurement strategy that is not fixed price or competitive or inclusive of small business participation must be vetted by the Treasury review board. (To be exempt from review, a Recovery Act procurement strategy must be fixed price, competitive, and inclusive of small business participation.)

BCPOs shall submit for approval each action on the ARRA (Recovery Act) Procurement Strategy Summary form provided at Attachment 1 to this AB. OPE will coordinate strategy review by the Office of Small and Disadvantaged Business Utilization (OSDBU) (as appropriate) and the Senior Procurement Executive (SPE). BCPOs will initiate action upon approval by the SPE.

OPE will post the Summary form and submission guidance on the Treasury ARRA Procurement Management page located on the Recovery Act MAX site. Instructions for MAX access is provided in 6.b.(10).

Format and other information contained in this AB is current as of publication date but may be updated prior to the next AB revision. Updates will be disseminated to BCPOs and will be

posted to the MAX site. BCPOs shall ensure submissions follow the most current guidance. Subsequent AB revisions will incorporate all interim guidance.

Review of award synopses for contract transactions not fixed price and/or competitive is no longer required.

(2) **Separation of Recovery Act and non-Act transactions.** All Recovery Act procurement actions must be separate to transactions funded by non-Recovery Act monies. Recovery Act procurement actions may be in any standard form, to include a contract, purchase/delivery/task order, modification, Blanket Purchase Agreement (BPA) transaction, or convenience check. A requirement funded by Recovery Act funds may not be included in any transaction that includes non-Recovery Act funded requirements. Separation of Recovery Act procurement actions will facilitate transparency and accurate tracking of Act monies in FPDS-NG.

(3) **Recovery Act Data Reporting (excluding Recipient Reporting).** The Treasury ARRA Procurement Management page located on the Recovery Act MAX site is the official source of Treasury’s pre-award and award data for ARRA contract transactions. Post-award data will be reported through the High Impact Acquisition (HIA) program per 6.b.(6).

BCPOs shall update the ARRA Procurement Planning Spreadsheet located on the MAX site by close of business each Thursday. Updates should be timely and complete. Entries should include both contracting actions and Interagency Agreements in support of the Recovery Act.

OPE will post the Summary form and submission guidance on the Treasury ARRA Procurement Management page located on the Recovery Act MAX site. Instructions for MAX access and reporting is provided in 6.b.(9).

(4) Federal Procurement Data System entries.

(a) Recovery Act transactions shall be entered into the Federal Procurement Data System – Next Generation (FPDS-NG) within one (1) business day of action and must be 100% accurate.

(b) BCPOs shall identify Recovery Act transactions in FPDS-NG. BCPOs will ensure completion of all Recovery Act data fields and compliance with all other related guidance provided through FPDS-NG.

(5) **Posting of Recovery Act contract actions.** BCPOs will post a copy of each Recovery Act contract transaction (redacted) to the cognizant bureau’s public internet site. Actions executed via convenience check are excluded from this requirement.

Each procurement action undertaken for the Recovery Act shall include the following special clause in Section H of the contract document (or elsewhere as may be appropriate):

“PUBLICITY REQUIREMENTS. The contractor agrees to submit, within 48 hours of contract award, a .pdf file of the fully executed contract or contract modification

with all proprietary information redacted for the purpose of having the redacted contract made public at the sole discretion of the Department of the Treasury. For this purpose, contract is defined as any contract, task or delivery order, or purchase order funded by Recovery Act monies. Contract modification is defined as any modification funded by Recovery Act monies, regardless of funding source of original contract. The contractor shall provide a point of contact to work directly with the contracting office and Public Affairs office of the Department of the Treasury, if necessary, to execute these actions.”

Immediately after award of any action subject to the posting requirements, the Contracting Officer will coordinate with the vendor to obtain its proposed redactions of the contract action, including any materials incorporated into the action by reference. Upon receipt, the Contracting Officer will review the proposed redactions for appropriateness.

If any redactions do not appear to comply with the Freedom of Information Act (FOIA) exemptions, the questionable redactions shall be forwarded to Legal for review. Redactions that may be accepted without legal review are limited to: vendor personally identifiable information (e.g., names, telephone numbers, addresses, email addresses; and, commercial and financial information that is privileged or confidential, including unit prices (but not total obligation amount, which must remain unredacted). Any broader redactions shall be reviewed by Legal.

For task/delivery orders and modifications, posting of the basic contract is not required although these documents are subject to Freedom of Information Act (FOIA) requests.

(6) High Impact Action designation. All Recovery Act contract transactions have been designated as HIAs. Bureaus shall report Recovery Act actions in accordance with the OPE HIA program (AB 09-04, *High Impact Acquisition Reviews and File Documentation*, and subsequent revision(s) or replacement guidance). All ARRA transactions exceeding the following values will be reported:

(a) Non-IRS - \$90,000

(b) IRS - \$100,000.

For the purposes of ARRA HIA reporting, a transaction is defined as a contract, delivery/task order, modification or BPA action that constitutes a segregable, individual requirement. Reporting at CLIN level is not required.

Bureaus shall monitor Recovery Act transactions in a proactive and consistent manner. Close coordination with Contracting Officer Technical Representatives (COTRs) is imperative to successful contract management.

(7) Tracking of Recovery Act time. BCPOs shall track time expended by contracting personnel on Recovery Act efforts, to include contract actions and Interagency Agreements. OPE recommends tracking format be similar to that used for the FY09 Recovery Act survey initiated by the Recovery Act Transparency Board (RATB).

(8) **Contracting Officer warrant authority for Recovery Act.** BCPOs shall track new contracting officer warrant authority and changes in existing contracting officer warrants issued in support of the Recovery Act.

(9) ARRA Procurement Management (Treasury) MAX access and reporting instructions.

(a) To register in MAX, follow the links provided below:

www.max.omb.gov

Register Here

Will automatically register you for the MAX Federal Community

Check Acquisition Community access also.

(b) Access the ARRA Procurement Management page as follows:

www.max.omb.gov

MAX Federal Community

Log in

Department of Treasury Home Site

Treasury-Only Collaborations

Treasury American Recovery & Reinvestment Act

Procurement (left heading in table)

Takes you to the Treasury ARRA Procurement Management site. (Save this to your favorites on this site by clicking on the STAR icon in the upper right-hand section of the page. For future access, click on "My Favorites" on the left side of the bar at the top of the page and the drop down will give you the option to click on the page you have saved.)

Scroll down to table of attachments

Click on "Recovery Act Procurement Data" document name

Update procurement data on the tab marked with your bureau name

"Save" data. Use the "Save" icon or the drop down option. Do not use the "Save as" feature as this will result in loss of your data.

Close out of system

7. **OPE Points of Contacts (POCs):** As of this date, OPE POCs are as listed below. Updates to this list will be posted on the MAX site referenced above.

Recovery Act Initiative	OPE POC	Tel #
Corporate review of non-Act Friendly Procurement Strategies	Nick Olson	202-927-8924
Recovery Act Data Reporting (Recipient and non-Recipient)	Nick Olson	202-927-8924
Recovery Act Post-Award management and oversight through HIA Program	Heather Coyle	202-622-2092
Overall management of Recovery Act contracting program, to include AB	Cathy Higginbotham	202-622-6585