

# TMA Procedures, Guidance, and Information (PGI)

## TMA PGI 201 – FEDERAL ACQUISITION REGULATIONS SYSTEM

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(October, 2012)

### PGI 201.6 – Career Development, Contracting Authority and Responsibilities

#### PGI 201.602 Contracting Officers

##### PGI 201.602-3 Ratification of Unauthorized Commitments

- (1) [TRICARE Acquisition Directive \(TAD\) 01-07](#) establishes TRICARE Management Activity (TMA) policy for reviewing unauthorized commitments and processing ratifications.
- (2) Overview – Avoidance of unauthorized commitments is a top priority for TMA. Ideally, no TMA personnel would ever initiate an unauthorized commitment, but if one does occur, the unauthorized commitment may be ratified.
- (3) Upon learning of an unauthorized commitment, the Director/Chief of the Contracting Office will assign a responsible Contracting Officer (CO) to evaluate the unauthorized commitment and make a recommendation.
- (4) The assigned CO initiates an investigation by requesting that the individual who made the unauthorized commitment complete and sign Part I, Section A of the “TRICARE Management Activity Request for Approval, Evaluation, and Determination of an Unauthorized Commitment ([TMA Ratification Template](#))”, see Attachment 1. If the individual cannot be identified, the person responsible for the applicable office in which the unauthorized commitment occurred, or designee, must complete and sign Part I, Section A.
- (5) The supervisor of the individual who initiated the unauthorized commitment must complete, recommend concurrence or non-concurrence with ratification, and sign Part I, Section B of the TMA Ratification Template. If the supervisor does not concur, he/she must explain his/her reasoning.
- (6) The CO will investigate the unauthorized commitment, document findings, prepare a statement of facts addressing at a minimum the information in Part II, Section B of the TMA Ratification Template; recommend concurrence or non-concurrence to ratify; and sign Part II, Section B. The Director/Chief of the Contracting Office will sign Part II Section A.
- (7) TMA Office of General Counsel (OGC) must make a signed statement recommending concurrence or non-concurrence with the CO’s recommendation by completing Part II, Section C of the TMA Ratification Template. However, if the individual who initiated the unauthorized commitment works in TMA OGC, then the CO will annotate this in their findings (step 6 above) and immediately raise the issue to the HCA for appropriate

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measures to manage the conflict and delegate responsibility for further review of the unauthorized commitment.

- (8) For unauthorized commitments less than \$30,000, the Director/Chief of the Contracting Office must sign a ratification determination by completing Part III, Section A of the TMA Ratification Template. The Director/Chief of the Contracting Office will return the ratification determination to the CO for further processing of approved ratification or other additional action for an unauthorized commitment not approved for ratification.
- (9) If the HCA will be the ratification authority, the Director/Chief of the Contracting Office must complete and sign Part III, Section B-1 to the TMA Ratification Template. The signed TMA Ratification Template and the accompanying package will be forwarded to the HCA.
- (10) The HCA shall make a ratification determination, document and sign Part III, Section B-2 of the TMA Ratification Template.
- (11) After the ratification determination has been made and signed the TMA Ratification Template will be returned to the CO.
- (12) The CO will:
  - a. File the original signed TMA Ratification Template in the appropriate contract file (if approved) or a separate file for each individual unapproved unauthorized commitment.
  - b. Follow the standard contracting procedures including negotiation with the supplier and execution of the appropriate contract action for those contracts for which an approved ratification determination has been made.
  - c. Return a copy of the ratification determination to the supervisor of the individual making the unauthorized commitment.
  - d. Notify the HCA of each unauthorized commitment and final resolution.