



TRICARE
MANAGEMENT
ACTIVITY

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE HEALTH AFFAIRS

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TRICARE ACQUISITION DIRECTIVE

TAD 01-07, Rev 000
September 25, 2012

SUBJECT: RATIFICATION OF UNAUTHORIZED COMMITMENTS

- References:
- (a) [Federal Acquisition Regulation Subpart 1.602-3, current edition.](#)
 - (b) [TMA Policy Memorandum, "Unauthorized Commitments," June 23, 2011.](#)
 - (c) [TRICARE Management Activity \(TMA\) Policy Alert No. 11-60, "Unauthorized Commitments," August 17, 2011 \(hereby canceled\).](#)
 - (d) [TMA Procedures, Guidance and Information 201.602-3, "Unauthorized Commitments and Ratifications," current edition.](#)
 - (e) [TRICARE Acquisition Directive 01-05, "Legal Review," March 5, 2012.](#)

1. **PURPOSE.** This TRICARE Acquisition Directive (TAD) establishes TRICARE Management Activity (TMA) policy for evaluating unauthorized commitments and processing ratifications, in accordance with References (a) and (b). Additionally, this Directive cancels Reference (c). Further procedures, guidance and information are provided in Reference (d).

2. **APPLICABILITY.** This Directive applies to all members of the TMA acquisition workforce that participate in the procurement of supplies and/or services under the authority of the Head of the Contracting Activity (HCA).

3. **DEFINITIONS.**

3.1 **Contract actions.** A contract is defined in [Federal Acquisition Regulation \(FAR\) 2.101](#). A contract modification as defined in [FAR Part 43](#).

3.2 **Ratification.** Is the act of approving an unauthorized commitment by an official who has the authority to do so ([FAR 1.602-3](#)).

3.3 **Unauthorized Commitment.** Is an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government ([FAR 1.602-3](#)).

4. POLICY. It is TMA policy that:

4.1 All requests for ratification of an unauthorized commitment shall be documented, evaluated, and processed by using this TAD; TMA Procedures, Guidance and Information (PGI) 201.602-3, "Unauthorized Commitments and Ratifications"; and Attachment 1 entitled "TRICARE Management Activity Request for Approval, Evaluation, and Determination of an Unauthorized Commitment" (TMA Ratification Template).

4.2 The HCA is the ratification authority. However, the HCA by signing this TAD, delegates to Director/Chief of the Contracting Office the ratification authority for contract actions less than \$30,000.

4.3 Ratifications shall be reviewed by the TMA Office of General Counsel (OGC) prior to final determination by the ratification authority, in accordance with this TAD and its PGI; and references (a) and (e).

4.4 Individuals responsible for unauthorized commitments will be subject to disciplinary action at the recommendation of the Director/Chief of the Contracting Office and/or the HCA, in conjunction with the individual's supervisor.

5. RESPONSIBILITIES.

5.1 HCA. The HCA shall:

5.1.1 Hold authority to ratify all unauthorized commitments, within TMA; and

5.1.2 Ensure appropriate disciplinary action for the individual responsible for the unauthorized commitment, as applicable.

5.2 Director/Chief of the Contracting Office. The Director/Chief of the Contracting Office shall:

5.2.1 Hold authority to ratify unauthorized commitments valued at less than \$30,000; and

5.2.2 Ensure appropriate disciplinary action for the individual responsible for the unauthorized commitment, as applicable.

5.3 Contracting Officer. The assigned Contracting Officer shall:

5.3.1 Evaluate the unauthorized commitment and make a recommendation as to whether the action should be ratified.

5.3.2. Notify the HCA of each unauthorized commitment and final resolution, including those where the Director/Chief of the Contracting Office was the ratification authority.

5.4 TMA OGC. TMA OGC shall provide a legal review and recommendation to the CO prior to ratification of an unauthorized commitment. However, if the individual who initiated the unauthorized commitment works in TMA OGC then the action shall be referred to the HCA immediately.

6. EFFECTIVE DATE. This Directive is effective immediately.

Michael W. O'Bar

Michael O'Bar
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