

Reference: RGL 85-03

Subject: CONTRACTS

Title: CONTRACTOR REPORTS

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Originator: DAEN-CWO-N

Description: GUIDANCE FOR CONTRACTING REGULATORY SERVICES AND INFORMATION GATHERING. REGULATORY DECISIONS CANNOT BE CONTRACTED.

1. District offices are authorized to contract for services and information gathering in support of the Corps regulatory program.
2. However, such contracts cannot be used to delegate Department of the Army authorities for making regulatory decisions or for developing regulatory policy positions. Regulatory decisions on such matters as compliance with the terms and conditions of individual or general permits can only be made by the district engineer. Changes in decisions made and policy positions taken at higher levels can only be considered at the level responsible for those decisions and policy positions.
3. Therefore, contracting officers must exercise care in the preparation of contract specifications to ensure that contractor reports contain a disclaimer. This disclaimer will state that the contents of contractor reports are subject to review and verification, as appropriate, before regulatory decisions are made.

FOR THE CHIEF OF ENGINEERS: