

Reclamation Manual

Directives and Standards

Subject:	Maintenance of Design and Construction Technical Capabilities
Purpose:	Establishes Bureau of Reclamation practices which support and maintain the agency's technical capabilities in design and construction management. The benefit of this Directive and Standard (D&S) is to ensure that Reclamation retains a fully capable staff to effectively develop, operate, and maintain its infrastructure.
Authority:	Reclamation Project Act of 1902 and all supplementary amendments thereto; Reclamation Safety of Dams Act of 1978, as amended; the Contributed Funds Act of March 4, 1921 (41 Stat. 1404); Title VI of the Economy Act of June 30, 1932 (47 Stat. 382, 417); Title III of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577; 82 Stat. 1098); the Technology Transfer Act of 1986 (15 U.S.C. 3710); Foreign Assistance Act of 1961 (Pub. L. 87-195); and Reclamation Manual Policy, <i>Performing Design and Construction Activities</i> (FAC P03).
Approving Official:	Deputy Commissioner, Operations (DCO)
Contact:	Director, Technical Service Center (TSC) (86-68000)

1. **Introduction.** Highly skilled design and construction technical capabilities in the Bureau of Reclamation are essential to meet the specialized challenges presented by Reclamation's mission. Reclamation must safeguard water and related resources for future generations. This requires a fully capable staff to effectively develop, operate, and maintain Reclamation infrastructure; perform new initiatives consistent with Reclamation's mission; and respond effectively to emergency situations.
2. **Applicability.** This Reclamation Manual (RM) D&S applies to all Reclamation design and construction personnel engaged in Reclamation design and construction activities.
3. **Definitions - Technical Capability.** Technical capability includes the staff, equipment, facilities, and technical manuals, standards, and guidelines necessary to fully meet the specialized challenges offered by Reclamation's mission in the area of design and construction management.
4. **Responsibilities.**
 - A. **Directors.** Each regional director and the Director, TSC, are responsible for ensuring that activities in their respective organizations are conducted in a manner consistent with the procedures outlined in this D&S. Each director will collaborate with other directors to optimize maintenance of technical capabilities from a Reclamation-wide perspective.

Reclamation Manual

Directives and Standards

- B. **Reclamation Managers.** Reclamation managers shall ensure that Reclamation's technical capability is maintained through effective use of staff resources, collaborative development of work plans, use and monitoring of corporate business practices that affect technical capability, and by providing services to non-Reclamation clients, as appropriate.
5. **Procedures.**
- A. **Utilizing Staff Resources.**
- (1) Reclamation staff resources (supplemented, as needed, by private contractors or other sources) will accomplish the agency's design and construction workload in a timely, efficient, and cost-effective manner that fully utilizes Reclamation's existing technical capability and provides opportunities to develop sustainable staff capability for the future. Reclamation design and construction organizations are the providers of choice for technical and construction services.
 - (2) Reclamation managers shall implement business practices that minimize dispersion, duplication, or loss of technical expertise needed by Reclamation. Managers shall share resources and consolidate design and construction organizations, as practicable. Reclamation managers shall implement business practices that minimize competition among offices for the same work. Program offices shall maintain sufficient technical capability and capacity to allow them to carry out their day-to-day responsibilities efficiently and effectively.
 - (3) Supervisors of design personnel will each ensure that their staff is knowledgeable about Reclamation design standards and policies, and that they receive both formal and on-the-job training, enabling them to stay abreast of technological advances occurring within their specialized areas of expertise. Likewise, supervisors of construction personnel will each ensure that their staff receives all necessary safety training, as well as specialized training on construction materials and methods utilized on Reclamation construction projects.
- B. **Advanced Planning.** The ability for service providers to schedule work in advance and to effectively identify project staffing requirements is critical to maintaining capability. The most efficient and effective means of accomplishing this coordination between offices with program responsibilities and service providers is to make advanced planning an integral part of the annual Reclamation budget process. Each year, offices responsible for specific programs must develop operating budgets (establishing funding requirements for the next fiscal year) and formulate budget year requests (funding requirements for the second year after the operating budget year) associated with their projects to input into the overall budget being prepared for their region. This information can be used by service providers to make resource management decisions. RM D&S, *Advance Planning for Technical Services Work* (CMP 10-01), describes Reclamation's formal process for communicating program office expected technical service work to Reclamation service providers.

Reclamation Manual

Directives and Standards

- C. **Fee for Service.** Offices with program responsibilities and service providers shall collaborate jointly to determine the best approach to accomplishing future projects. Close coordination will ensure that scopes of work are well defined, appropriate project schedules are established, budgets cover all anticipated costs, and roles and responsibilities are clear. Responsible program managers and fee-for-service design and construction management service providers shall interact and develop written business instruments (service agreements) to document a common understanding of roles and responsibilities, schedules, and estimated funding requirements to perform the work. RM D&S, *Fee-for-Service Business Practices for Technical Services Work* (CMP 10-02), further describes the fee-for-service process.
- D. **Workload Distribution.** While the maintenance of Reclamation's technical capability relies primarily on the decisions and actions of individual managers, it is important that Reclamation maintain a corporate consciousness regarding these actions and their net effect. Therefore, Reclamation will maintain a Reclamation-wide team [hereafter referred as Reclamation's Design and Construction Coordination Team (RDCCT)] of design and construction professionals to monitor and coordinate corporate efforts to maintain its technical capability. The RDCCT will support and assist the Coordination and Oversight Group (COG) in the implementation and monitoring of the workload distribution practices for design and construction work. See CMP 10-02 and RM D&S, *Workload Distribution Practices for Technical Services Work* (CMP 10-03), for further information regarding the COG and its responsibilities for ensuring the maintenance of Reclamation's technical capability. The RDCCT will meet regularly to coordinate, review, and periodically report to the DCO, on the status of Reclamation's design and construction technical capability, including:
- (1) availability of technical resources and resource sharing to meet current and future mission needs;
 - (2) endangered capabilities due to workload and/or attrition;
 - (3) business practices (including staffing and contracting for technical services) that affect corporate technical capability;
 - (4) needed improvements to Reclamation design and construction policy, directives, and guidelines; and
 - (5) the reporting of this data will be accomplished through the existing Reclamation-wide capabilities reporting mechanism or via a periodic report specifically addressing design and construction capabilities at the DCO's discretion.
- E. **Services for Non-Reclamation Clients.**
- (1) Performing reimbursable services for non-Reclamation clients is an acceptable means to develop and maintain technical capabilities for future Reclamation

Reclamation Manual

Directives and Standards

work. Reclamation will not perform work in direct competition with the private sector without legislative authority, and it will limit service work to that work that is authorized consistent with its mission, requires a Federal presence, or is otherwise in the public interest.

- (2) Reclamation managers must ensure that agreements to perform services for non-Reclamation clients include appropriate consideration of the authority, liability, and funding requirements associated with performing this work as a Federal agency. In the absence of specific legislation associated with a defined technical assistance activity, the following authority, admissibility criteria, and funding requirements will apply:
 - (a) **Other Federal Agencies.** Work for other Federal agencies shall be performed in accordance with Title VI of the Economy Act of June 30, 1932 (47 Stat. 382, 417). Under the Economy Act, services requested by another agency of the Federal Government may be undertaken by Reclamation when the requesting agency has determined it is unable through its own staff or through private contractors to obtain the required services expeditiously, satisfactorily, or conveniently, or when emergency conditions make the service desirable in the public interest. In accordance with the Anti-Deficiency Act of 1982, 31 U.S.C. 1341, payment is required in advance of work performed for other Federal agencies. Reimbursement is achieved by advance payment or periodic billing as costs are incurred, based on the terms of an Interagency Agreement (i.e., IAG). Reclamation can use service and construction contracts to supplement its services to other Federal agencies.
 - (b) **State or Local Governments.**
 - (i) Title III of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577; 82 Stat. 1102) authorizes Federal agencies to provide specialized or technical services, and related facilities, for the purpose of avoiding unnecessary duplication of special service functions by State and local governments (including some water districts and/or associations chartered under State or local legislation), as long as these services cannot otherwise be adequately obtained through private contractors. In accordance with Office of Management and Budget Circular A-97, *Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government Under Title III of the Intergovernmental Cooperation Act of 1968*, advance payment to cover Reclamation costs is required prior to beginning work, unless written provision for periodic reimbursement is provided as part of the agreement between Reclamation and the State and local government.

Reclamation Manual

Directives and Standards

- (ii) Work for State and local governments can also be performed under the Contributed Funds Act or the Technology Transfer Act as provided below.
- (c) **Private Sector.** Design and construction services requested by private individuals, associations (including water districts unless chartered under State or local legislation), or corporations can be undertaken if the requested service involves a substantial public interest, cannot adequately be performed by private contractors, or tends to promote the normal work of Reclamation in accomplishment of its primary functions.
 - (i) Reclamation can accept funds from the private sector under the provisions of the Contributed Funds Act of March 4, 1921 (41 Stat. 1404), “all moneys hereafter received from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.”
 - (ii) Under the Federal Technology Transfer Act of 1986, 15 U.S.C. 3710, the director of any Federal Government-operated laboratory may enter into a cooperative research and development agreement with a private corporation (and/or non-Federal agency). Under such an agreement, an agency can, among other things, accept funds from the collaborating firm for the use of Federal Government personnel, equipment, facilities, or property. Congress authorized these public-private agreements with the intent to “increase the nation’s competitiveness by encouraging technology transfer from Federal Government-operated laboratories to private industry.” The Technology Transfer Act defines the term “laboratory” broadly to include “a facility or group of facilities owned, leased, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government.”
 - (iii) In accordance with the Anti-Deficiency Act, advance payment is required for all work performed using private sector funds.
- (d) **Foreign Governments and International Agencies.**
 - (i) Reclamation will make its design and construction expertise in water resource management available on a reimbursable basis to further U.S. foreign policy, enhance public health, and support sustainable development in developing countries; as well as to support U.S. private

Reclamation Manual

Directives and Standards

sector participation in the international marketplace. Reclamation will consider requests for technical assistance and training from foreign governments, international funding entities, other Federal agencies, or the private sector. Authority to enter into agreements to provide technical assistance and training is provided under the Foreign Assistance Act of 1961 (Pub. L. 87-195) and the Technology Transfer Act.

- (ii) Managers will work through Reclamation's Native American and International Affairs Office to review the appropriateness of the activity, develop agreements, and obtain the necessary approvals.
- (e) **Tribal Governments.** Work performed directly for Tribal Governments using Tribal funds is subject to the provisions of the Contributed Funds Act (summarized above).

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____