

September 25, 2003

ACQUISITION INSTRUCTION (AI) 04-01

FROM: Helen Hurcombe  
NOAA Procurement Official

MEMORANDUM FOR: NOAA Acquisition Staff

SUBJECT: Review and Approval of Proposed Solicitations and Contract Awards

I. Purpose

The purpose of this Acquisition Instruction (AI) is to establish the procedures for review and approval of solicitations and contract award documents in NOAA.

II. Background

In order to ensure compliance with applicable laws, rules, regulations, policies and procedures, contractual actions are required to go through a review and approval process. As well, these processes help to ensure that acquisition files are adequately documented to provide a complete stand-alone history of the acquisition and to document the rationale for decisions made associated with that acquisition.

Further, it has been noted that the separate acquisition offices within NOAA each have their own processes or policies relating to review and approval of proposed solicitations and contract awards. In order to ensure consistent policy across the acquisition function in NOAA, this AI is establishing the official NOAA Acquisition Policy for required reviews.

III. General Policy

As a minimum requirement, all solicitations, contracts and modifications, regardless of dollar value, are to be reviewed by the contracting officer prior to issue or award, even if the review and approval procedures prescribed in this AI are applicable. However, under no circumstances may the individual who signs the contract instrument as contracting officer perform final review and approval of that contract action (1) if the contracting officer is also the contract specialist processing the acquisition; and/or (2) if the action is expected to exceed the dollar level(s) set forth below.

All reviewers shall classify comments as clerical (C), substantive (S) or non-substantive (NS). All substantive issues shall be resolved prior to release or award.

DAOs 208-2 and 208-5 establish the authority and requirements for contract review and approval for individual contracting actions. NAO 208-5 establishes NOAA's requirements for a Contract Review Board.

IV. Review and Approval Thresholds

Attachment 1 provides the review and approval thresholds.

## V. Procedures

- a. The assigned specialist shall prepare all review packages to ensure the package contains all relevant documentation prior to submission for review. Specialists shall ensure all contractual actions are complete and the documents pertaining to solicitations, awards and modifications are executed and complete prior to seeking review and approval. The acquisition file is to be a stand-alone summary that clearly and fully supports the decisions made relative to that acquisition. It is the responsibility of the assigned Specialist to ensure that the file is accurate and complete.
- b. Specialists shall forward the contract file to the appropriate level for review and approval. Attachments (2) or (3) shall be utilized for the solicitation review. Attachments (4) or (5) shall be utilized for the award review. Attachments (6) or (7) shall be utilized for modification review.
- c. The applicable review and approval form shall be placed on top of the acquisition file and shall be forwarded to the Contracting Officer for review. The file will then be forwarded to each individual/office cited on the form in the order presented on the form.
- d. Specialists shall ensure all files clearly indicate the completion of review and approvals by the appropriate level utilizing the applicable review and approval form. All approval decisions and resolution of all comments, if any, shall be in writing and attached to the review and approval form and placed in the acquisition file under the appropriate tab. All “substantive” issues must be resolved prior to either release of the solicitation or the award (basic or modification) document.

## VI. Contract Review Board Procedures

- a. Each of the NOAA Acquisition Offices has differing procedures or requirements for Contract Review Boards (CRBs). In order to ensure consistency across NOAA acquisition offices, the following procedures are established for CRBs.
- b. The purpose of the CRB is to provide a uniform method for the review and approval of solicitation, award, and post-award acquisition actions. The CRB provides an independent review of proposed significant contract actions. Solicitation actions will be brought before the CRB prior to advertisement of the action. Award and post-award actions will be brought before the CRB prior to execution (signature) by the Contracting Officer. This procedure will supplement, not replace, normal supervisory and Contracting Officer responsibilities.
- c. The CRB shall review actions outlined in these procedures to ensure that the proposed action, when properly executed, will –
  - (1) Comply with established acquisition policies, procedures and regulations;
  - (2) Reflect sound business judgment; and
  - (3) Be in the best interest of the Government.
- d. Actions to be reviewed:
  - (1) Prior to Solicitation

- (a) Justification for other than full and open competition >\$250,000 (includes modifications to existing contracts but excludes the exercise of options under \$2M and 8(a) actions)
- (b) Solicitations for proposed acquisitions requiring higher level approval to award.
- (c) Solicitations expected to exceed \$500,000 where award will be based on both technical and price/cost competition.
- (d) Other than construction and ship repair contracts, solicitations allowing the use of progress payments based on percentage or stage of completion.
- (e) Solicitations for consulting and related services as defined in the Advisory and Assistance DAO 216-13.
- (f) Acquisition plans and source selection plans for acquisitions over \$5M.

(2) Prior to Award (regardless of dollar value, except where indicated)

- (a) One offer awards under competitive RFPs, including competitive 8(a) awards (excludes IFBs, sole source 8(a) awards and awards under justifications for other than full and open competition).
- (b) Contract awards that exceed \$500,000 where adequate price competition is not obtained.
- (c) Rejection of bids and cancellation of bids.
- (d) Proposed award under solicitations over \$500,000.
- (e) All determinations related to alleged mistakes in bid.
- (f) Proposed responses to and determinations on all protests.
- (g) Letter contracts over \$100,000.

(3) Post Award

- (a) Termination actions
- (b) Stop work orders
- (c) Claims
- (d) Settlement agreements exceeding \$100,000
- (e) Proposed responses to and determinations on all protests
- (f) Modifications exceeding the thresholds included herein for basic awards.

e. Include the following file documentation:

- (1) For all sole source procurement actions, submit the Justification for Other Than Full and Open Competition and any supporting documentation (e.g., results of FedBizOps notice, market research, statute, etc.)
- (2) For all solicitations, all documents prepared prior to solicitation (e.g., justifications, required approvals/clearances, determinations and findings, FedBizOps notice, set-aside determinations, etc.)
- (3) For all proposed contract awards, all pre-award documentation (evaluations, Competitive Range Determinations, Source Selection Determinations, etc.)
- (4) For all post-award actions, all associated pre-award and post-award documentation related to the acquisition action.

f. The CRB shall be comprised of no less than two members, including the

chairperson. The chairperson must possess Department of Commerce certification as a Level III contracting officer, and one other member must possess Level II certification. All members must be classified in the Civil Service 1102 series and be grade GS-12 or higher. Each ASC Acquisition Management Division (AMD) can determine the exact composition, following the above minimum criteria, and methodology for review (e.g., actual Board meeting versus independent file review). The Headquarters AGO CRB shall consist of the NOAA Acquisition Policy lead (Board Chairperson) and a designated representative from one of the AMDs other than the submitting AMD. The NOAA Acquisition Policy Lead shall establish a monthly roster of designated representatives from each AMD. Reviews shall be a paper review with coordination/summary meetings as needed/appropriate.

- g. The approval, disapproval or conditional approval of the document by the CRB shall be reflected on the Review Form. Each CRB reviewer shall affix his/her signature and date to denote approval and concurrence with the decision.

Conditional approval shall be granted by checking the appropriate block, signature by participating reviewers and identifying all conditions, in writing, which must be completed before the action is released. The Contracting Officer and Contract Specialist shall comply with the CRB recommendations and make the required revisions. However, should the Contracting Officer disagree with the CRB recommendations, he/she shall document the file accordingly. No further CRB review will be required prior to release.

- h. Waiver of CRB Review Requirement

The applicable HCO may grant waiver of the CRB requirement for any of the above actions. A written request, which includes the reasons why the waiver is necessary, must be submitted through the Contracting Officer. A copy of all waivers granted shall be provided to the NOAA Procurement Official.

## VII. Review Thresholds

Attachment 1 hereto provides the review/approval thresholds for the various actions by type and value.

## VIII. References

DAO 208-2  
DAO 208-5  
NAO 208-5

## IX. Effective Date

This AI is effective on the date of issuance and will remain in effect until superseded or revoked.

## X. Effect on Other Directives

This AI supplements those references cited above and supersedes any existing local directions that may conflict with the terms of this AI.

XI. Availability of Forms

This AI is being provided to all HCOs electronically and includes all required review/approval forms. HCOs should distribute this AI to their acquisition staffs electronically.

XII. Information or Assistance

Questions concerning these procedures may be directed to Helen Hurcombe at 301-713-0325 or via e-mail at [Helen.Hurcombe@noaa.gov](mailto:Helen.Hurcombe@noaa.gov).

Attachments: Attachment 1 – Review/Approval Thresholds  
Attachment 2 – Solicitation Review Sheet (actions not requiring CRB)  
Attachment 3 – Solicitation Review Sheet (actions requiring CRB)  
Attachment 4 – Award Review Sheet (actions not requiring CRB)  
Attachment 5 – Award Review Sheet (actions requiring CRB)  
Attachment 6 – Modification Review Sheet (actions not requiring CRB)  
Attachment 7 – Modification Review Sheet (actions requiring CRB)



## REVIEW/APPROVAL THRESHOLDS

<b>WHAT</b>	<b>CONTRACTING OFFICER</b>	<b>CRB</b>	<b>LEVEL ABOVE THE CO</b>	<b>NOAA PROCUREMENT OFFICIAL</b>	<b>LEGAL</b>
IFBs	All	Any requiring higher level approval to award	- Whenever CO is also the Contract Specialist - $\geq$ \$1,000,000	$\geq$ \$2,500,000	$>$ \$500,000
RFPs	All	- Any requiring higher level approval to award - $>$ \$500,000 - whenever allowing use of progress payments based on % or stage of completion (excluding construction or ship repair)	- Whenever CO is also the Contract Specialist - $\geq$ \$1,000,000	$\geq$ \$2,500,000	$>$ \$250,000
Contract Award	All	- Any requiring higher level approval to award - $\geq$ \$500,000	- Whenever CO is also the Contract Specialist - $\geq$ \$1,000,000	$\geq$ \$2,500,000	- Only when award is made to other than low offeror on sealed bid acquisitions - $\geq$ \$100,000 on negotiated acquisitions
Non-competitive acquisitions	All	$\geq$ \$250,000	- Whenever CO is also the Contract Specialist - $\geq$ \$1,000,000	$\geq$ \$2,500,000	$>$ \$100,000 excluding options $<$ \$2,000,000; including 8(a)
Letter Contracts	All	$\geq$ \$100,000	- Whenever CO is also the Contract Specialist - $\geq$ \$100,000	$\geq$ \$1,000,000	$>$ \$100,000

Contract Modifications	All	≥ \$500,000 (excludes options, incremental funding actions)	- Whenever CO is also the Contract Specialist - ≥ \$1,000,000	≥ \$2,500,000 (excludes options, incremental funding actions)	≥ \$100,000
Settlement Agreements	All	> \$100,000	- Whenever CO is also the Contract Specialist - ≥ \$100,000	≥ \$2,500,000	≥ \$100,000
Claims	All	N/A	- Whenever CO is also the Contract Specialist	≥ \$2,500,000	All
Terminations	All	N/A	- Whenever CO is also the Contract Specialist	≥ \$2,500,000	All
Protests – Responses to/Determinations	All	All	- Whenever CO is also the Contract Specialist	≥ \$2,500,000	All
Stop Work Orders	All	All	- Whenever CO is also the Contract Specialist	N/A	N/A

For purposes of determining dollar value: in acquisitions including options, include the value of the base period/amount plus all options; in acquisitions with incremental funding, it is the total value regardless of amount funded; in acquisitions to be awarded as indefinite delivery/indefinite quantity, value is the maximum value of the quantity available for ordering under the contract (when options are included it is the value of the base period maximum quantity plus the value of the option maximum quantities); in acquisitions to be awarded as requirements-type contracts it is the total estimated value (when options are included it is the base period estimated value plus the option period estimated value(s)). See Section VI of this AI for further clarification on CRB reviews. Orders placed against Federal Supply Schedules and requirements contracts are exempt from the requirements of this AI. Separate guidance shall be provided.







SOLICITATION REVIEW AND APPROVAL  
(Actions Not Requiring CRB)

Solicitation No. \_\_\_\_\_  
**SUBMISSION** **Date:**

From: Contract Specialist  
To: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*Whenever Contracting Officer is also the Contract Specialist*)

Proposed solicitation has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **Date:**

From: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*Whenever CO is also the Contract Specialist*)  
To: File

Proposed solicitation has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**LEGAL REVIEW REQUIRED – ( ) Yes ( ) No**  
\*\*\*\*\*

**RESOLUTION** **Date:**

From: Contract Specialist  
To: File  
  
No Comments to incorporate                      CO's comments resolved/incorporated  
Legal review attached, where applicable, and all comments resolved/incorporated

\_\_\_\_\_  
Signature/Date



SOLICITATION REVIEW AND APPROVAL  
(CRB Review Required)

Solicitation No. \_\_\_\_\_  
**SUBMISSION** **DATE:**

From: Contract Specialist  
To: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*to be utilized whenever CO is also the Specialist*)

Proposed solicitation has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **DATE:**

From: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*whenever CO is also the Specialist*)  
To: File

Proposed solicitation has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **DATE:**

From: Contract Review Board  
To: File

Proposed solicitation has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached  
Disapproved, comments attached

\_\_\_\_\_  
CRB Member Signature/Date                      CRB Member Signature/Date  
\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Level Above the CO

To: File

Proposed solicitation has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

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Signature/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: NOAA Procurement Official

To: File

Proposed solicitation has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

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Helen Hurcombe/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Office of General Counsel

To: File

Proposed solicitation has been reviewed and is:

Legally Sufficient – No Comments    Legally Sufficient – Comments Attached  
Not Legally Sufficient – Comments Attached

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Signature/Date

\*\*\*\*\*

**RESOLUTION**

**DATE:**

From: Contract Specialist

To: File

All substantive issues identified in any/all reviews have been resolved/comments incorporated  
No substantive issues to be resolved/no comments to incorporate

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Contract Specialist/Date

AWARD REVIEW AND APPROVAL

Contract No. \_\_\_\_\_  
**SUBMISSION** **DATE:**

From: Contract Specialist  
To:  Contracting Officer  
 Level Above the Contracting Officer (*Whenever Contracting Officer is also the Contract Specialist*)

Proposed award has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*

**REVIEW** **DATE:**

From:  Contracting Officer  
 Level Above the Contracting Officer (*Whenever CO is also the Contract Specialist*)  
To: File

Proposed contract has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*

**LEGAL REVIEW REQUIRED – ( ) Yes ( ) No**  
\*\*\*\*\*

**RESOLUTION** **DATE:**

From: Contract Specialist  
To: File

No Comments to incorporate                      CO's comments resolved/incorporated  
Legal review attached, where applicable, and all comments resolved/incorporated

\_\_\_\_\_  
Signature/Date





AWARD REVIEW AND APPROVAL  
(CRB Review Required)

Contract No. \_\_\_\_\_

**SUBMISSION**

**DATE:**

From: Contract Specialist

To: ( ) Contracting Officer

( ) Level Above the Contracting Officer (*to be utilized whenever CO is also the Specialist*)

Proposed award has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date

\*\*\*\*\*

**REVIEW**

**DATE:**

From: ( ) Contracting Officer

( ) Level Above the Contracting Officer (*whenever CO is also the Specialist*)

To: File

Proposed award has been reviewed and is:

Approved Unconditionally

Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date

\*\*\*\*\*

**REVIEW**

**DATE:**

From: Contract Review Board

To: File

Proposed award has been reviewed and is:

Approved Unconditionally

Approved Conditionally, comments attached

Disapproved, comments attached

\_\_\_\_\_  
CRB Member Signature/Date

\_\_\_\_\_  
CRB Member Signature/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Level Above the CO

To: File

Proposed award has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

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Signature/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: NOAA Procurement Official

To: File

Proposed award has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

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Helen Hurcombe/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Office of General Counsel

To: File

Proposed award has been reviewed and is:

Legally Sufficient – No Comments    Legally Sufficient – Comments Attached  
Not Legally Sufficient – Comments Attached

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Signature/Date

\*\*\*\*\*

**RESOLUTION**

**DATE:**

From: Contract Specialist

To: File

All substantive issues identified in any/all reviews have been resolved/comments incorporated  
No substantive issues to be resolved/no comments to incorporate

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Contract Specialist/Date

MODIFICATION REVIEW AND APPROVAL

Contract No. \_\_\_\_\_ Mod. No. \_\_\_\_\_  
**SUBMISSION** **DATE:**

From: Contract Specialist  
To: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*Whenever Contracting Officer is also the Contract Specialist*)

Proposed modification has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **DATE:**

From: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*Whenever CO is also the Contract Specialist*)  
To: File

Proposed modification has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**LEGAL REVIEW REQUIRED – ( ) Yes ( ) No**  
\*\*\*\*\*  
**RESOLUTION** **DATE:**

From: Contract Specialist  
To: File

No Comments to incorporate                      CO's comments resolved/incorporated  
Legal review attached, where applicable, and all comments resolved/incorporated

\_\_\_\_\_  
Signature/Date



MODIFICATION REVIEW AND APPROVAL  
(CRB Review Required)

Contract No. \_\_\_\_\_ Mod. No. \_\_\_\_\_  
**SUBMISSION** **DATE:**

From: Contract Specialist  
To: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*to be utilized whenever CO is also the Specialist*)

Proposed modification has been reviewed and is recommended for your approval.

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **DATE:**

From: ( ) Contracting Officer  
( ) Level Above the Contracting Officer (*whenever CO is also the Specialist*)  
To: File

Proposed modification has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date  
\*\*\*\*\*  
**REVIEW** **DATE:**

From: Contract Review Board  
To: File

Proposed modification has been reviewed and is:

Approved Unconditionally                      Approved Conditionally, comments attached  
Disapproved, comments attached

\_\_\_\_\_  
CRB Member Signature/Date                      CRB Member Signature/Date  
\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Level Above the CO

To: File

Proposed modification has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

\_\_\_\_\_  
Signature/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: NOAA Procurement Official

To: File

Proposed modification has been reviewed and is:

Approved Unconditionally  
Disapproved, comments attached

Approved Conditionally, comments attached

\_\_\_\_\_  
Helen Hurcombe/Date

\*\*\*\*\*

**REVIEW (when required)**

**DATE:**

From: Office of General Counsel

To: File

Proposed modification has been reviewed and is:

Legally Sufficient – No Comments    Legally Sufficient – Comments Attached  
Not Legally Sufficient – Comments Attached

\_\_\_\_\_  
Signature/Date

\*\*\*\*\*

**RESOLUTION**

**DATE:**

From: Contract Specialist

To: File

All substantive issues identified in any/all reviews have been resolved/comments incorporated  
No substantive issues to be resolved/no comments to incorporate

\_\_\_\_\_  
Contract Specialist/Date