

**OFFICE OF ACQUISITION MANAGEMENT
RISK MANAGEMENT AND OVERSIGHT PLAN
For
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
ACQUISITION AND GRANT ACTIVITIES**

The Office of Acquisition Management (OAM) is the Departmental office responsible for the financial assistance and acquisition functional areas. It is the responsibility of the Bureaus to oversee the execution of the programs for which they received funding under the American Recovery and Reinvestment Act of 2009 (ARRA). OAM's responsibility under ARRA is to oversee the acquisition and financial assistance functions and the actions taken through financial assistance and acquisition in the execution of these programs. In executing its responsibilities for oversight of the financial assistance and acquisition functions under ARRA, the following plan is established.

FINANCIAL ASSISTANCE

1. General

To effectuate consistent and open communication, the following activities will be undertaken:

- a) Creation of Grants Management Division ARRA Working Group consisting of Bureau Grants Officers, Program Officials, Grants Management Division (GMD) Director, Chief and Deputy Chief of Federal Assistance Law Division (FALD). This group will review performance against milestones and objectives of the guidance provided to the Grants Council. It will review reporting performance as set forth in Pre-Solicitation activities below and ancillary issues and serve as a forum for issues generated by the disconnection of Grants.gov APPLY and the transition to paper-based grants management. Current Status – Working Group established; weekly meetings to occur via teleconference on Mondays at 10 a.m.
- b) DOC Grants Council will receive comprehensive updates from bureaus on ARRA compliance at its quarterly meetings. The GMD Director will continue to manage the Council schedule and build the agenda with ARRA as the lead issue for the remainder of the year.
- c) External Government Wide Policy Groups – The GMD Director will serve as gatekeeper for policy changes and other updates flowing from OMB, the Grants Policy Committee and the Grants Executive Board.
- d) Obtain from bureaus, by March 15, information on what each grants management system captures, if it is publicly available in a user-friendly format, and if not, what technological or policy barriers exist to it being made public. For those systems presently

unable to make information public in a user-friendly format, provide a schedule for and an estimate of resources necessary to achieve full transparency.

2. Pre-Solicitation

OAM GMD will oversee the following activities:

- a) Ensure that bureaus have consistent prominent labels and tags in funding opportunity synopses, full funding opportunity announcements and award notices that clearly distinguish them as RA actions.
- b) Monitor bureau outreach efforts with potential applicants to create or update their profiles in Dun and Bradstreet Universal Numbering System (DUNS) and Central Contractor Registration (CCR).
- c) OAM will assist Bureaus in the development of new codes or modifying existing codes in the Catalog of Federal Domestic Assistance by reviewing Bureau requests for completeness and soundness before passing to the DOC Office of Budget for their review and submittal to GSA.
- d) Monitor which synopses are posted on Grants.gov. Synopses are to be posted by March 6. The GMD ARRA Working Group will gather status at its weekly meeting from all bureaus receiving ARRA funding for financial assistance and report that status each week to the Director, OAM until all ARRA funded programs are announced.
- e) Monitor the posting of Federal Funding Opportunities (FFO). FFOs are to be posted by March 19. The GMD Recovery Act Working Group gather status at its March 20 weekly meeting and each week thereafter until all FFOs are posted. This information will be reported to the Director, OAM, on a weekly basis until all FFOs for ARRA Funded programs are posted.

3. Pre-Award to Award

- a) OAM GMD will ensure all Granting offices in DOC receive government-wide guidance on standard terms and conditions or special award conditions necessary for the implementation of ARRA.
- b) To fulfill its responsibilities for ensuring transparency, OAM will monitor Award Level Reporting consistent with what is required for USASpending.gov. GMD will receive reports in FAADS Plus Format and ensure bureaus are meeting the requirement to report all funds and reporting is timely consistent with the requirements of ARRA. Issues identified with either timeliness of reporting or quality/completeness of data reported will be addressed with the granting office and with DOC management.
- c) Reporting of RA funds will not have the FFATA floor of \$25,000 but may report awards of less than \$25,000 in aggregate format. Guidance on how this is to be done is pending

from OMB and will be implemented and overseen as discussed above once guidance has been received and disseminated.

- d) OAM GMD will monitor compliance with Bureau procedure to ensure availability of funding source, ensure funds are allocated based on statutory criteria (if a formula grant), ensure proper review and approval procedures are followed, ensure widespread solicitation of applications, ensure use of ARRA terms and conditions, and ensure that grants clearly identify recipient reporting requirements.

4. Post-Award

- a) OAM GMD will monitor Bureau administration of recipient performance. This will include the following, at a minimum:
 - 1) Determination of whether recipients are timely submitting ARRA-required reports. Bureaus will be required to certify to OAM regarding (1) whether each recipient receiving ARRA funds has submitted their required report; (2) whether the report, as submitted, was acceptable (e.g., complete, consistent with previous reports, etc.); and (3) what action has been taken for recipients failing to submit timely and complete reports or unacceptable reports. Recipient reporting is required by the 10th day of the month following the end of the calendar quarter. The first reports are due July 10, 2009, and quarterly thereafter.
 - 2) Determination of whether other grant deliverables (performance reports, financial reports) are being received timely and whether the reports are acceptable as delivered. OAM GMD will be assessing not just whether reports are received, but that reports are being reviewed, issues addressed, and ensuring that grantees are not in violation of any terms and conditions of the award. Where untimely reports are submitted or here where submitted reports are unacceptable, OAM GMD will be looking to see what actions the Bureau is taking.
- b) OAM GMD will assess the handling of post-award actions by the Bureaus, including, but not limited to, whether Bureaus are monitoring grantee use of funds and compliance with other terms and conditions of the grant, requests for changes to the budget and schedule during the life of the grant. OAM GMD will also assess whether grant closeouts are being accomplished in a timely manner.
- c) OAM GMD will conduct a random sample review of ARRA awards to measure compliance with guidance on award, inclusion of appropriate terms and conditions, and reporting/public notice. Results will be shared with the granting office, with DOC management, and, where appropriate, with the DOC OIG.
- d) OAM GMD will assess Bureau's assignment of adequate numbers of appropriately trained staff to execute and oversee the grant awards

ACQUISITION

1. General

As with financial assistance, consistent and open communication is essential to successful execution of the acquisition function in support of ARRA. While all existing acquisition regulations and policies remain in full force and effect, ARRA requires additional actions and/or policies to be adhered to. OAM's responsibilities related to this include:

- a) Acquisition Council – the DOC Acquisition Council will receive comprehensive updates from OAM and the bureaus on ARRA compliance at its biweekly meetings. The Senior Procurement Executive will continue to manage the Council schedule and build the agenda with ARRA as the lead issue for the remainder of the fiscal year.
- b) Acquisition Policy – OAM will provide DOC-wide acquisition guidance through its normal methods (Procurement Memorandum, CAM Chapter). OAM will monitor the dissemination of this guidance throughout the DOC acquisition community. Guidance will, as well, be posted on OAM's home page.
- c) External Government-Wide Groups – the Senior Procurement Executive and/or members of her staff will serve as gatekeepers for policy changes and other updates flowing from OMB, the Chief Acquisition Officers Council, the Senior Procurement Executives Workgroup, the Civilian Agency Acquisition Council, and other workgroups and Councils.
- d) Obtain from bureaus, by March 15, information on what the acquisition management system captures, if it is publicly available in a user-friendly format, and if not, what technological or policy barriers exist to it being made public. For those systems presently unable to make information public in a user-friendly format, provide a schedule for and an estimate of resources necessary to achieve full transparency.

2. Pre-Solicitation

OAM Risk Management Division (RMD) will oversee the following activities:

- a) Acquisition Planning – Review initial and monthly Advance Acquisition Plans (AAP) (first plan is due by April 5, 2009) to identify all planned acquisitions exceeding \$100,000 and to identify the progress of the acquisition from submission to the acquisition office through award.
- b) Acquisition Review – Using the monthly AAP, identify those acquisitions requiring submittal to the DOC Investment Review Board (IRB) (generally, those exceeding \$75 million), those requiring pre-solicitation paper review by OAM RMD pursuant to Procurement Memorandum 2009-06, and those requiring review consistent with Bureau-level policies. Track planned acquisitions to ensure required reviews are conducted. Provide meaningful input to Bureaus based on the review within three business days of

submittal. Utilize these reviews to identify policy or process guidance needed for efficient execution.

- c) Notices – Monitor FedBizOps (FBO) announcements from DOC acquisition offices to ensure required ARRA language is included. Identify unacceptable postings and advise the Bureau Procurement Official with a requirement for the posting to be corrected. Monitor AAP and FBO to ensure that presolicitation notices are posted for intended awards as a task or delivery order against Government-wide Acquisition Contracts, multi-agency contracts and Federal Supply Schedule Contracts or agency Indefinite Delivery/Indefinite Quantity contracts.

3. Pre-Award to Award

- a) OAM shall ensure all acquisition offices in DOC receive government-wide guidance on standard terms and conditions necessary for the implementation of ARRA.
- b) Consistent with ARRA guidance, OAM will track and monitor Bureau:
 - 1) Use of competitive procedures
 - 2) Contract Type selection
 - 3) Use of incentive/award fees; award terms
 - 4) Development of contractor requirements that deliver meaningful and measurable outcomes
 - 5) Maximization of opportunities for small business
 - 6) Maximization of utilization of non-profit agencies employing people who are blind or severely disabled
 - 7) Use of streamlined acquisition flexibilities
 - 8) Contract performance oversight
 - 9) Assignment of adequate numbers of appropriately trained staff to execute and oversee the acquisition
 - 10) Oversight at critical decision points
 - 11) Generation of contractor performance documentation
 - 12) Timely inspection and acceptance
 - 13) Quality assurance procedures utilized in oversight of contract
 - 14) Data quality, both government reported and contractor reported
- c) To fulfill its responsibilities for ensuring transparency, OAM will monitor Award Level Reporting consistent with what is required for completion of FPDS-NG, including timeliness of submissions, completeness of submissions and correctness of submissions. BPOs are responsible for verifying and validating 100% of all ARRA actions and to provide a monthly certification to the Senior Procurement Executive by the 5th of each month beginning in April. BPOs and DOC management will be advised of any issues with FPDS-NG reporting.
- d) OAM will monitor FBO, the DOC/Bureau Recovery act webpages and the Recovery.gov webpage to ensure that required award notices and postings are occurring in a timely

manner. Any issues identified with lack of posting or redaction of more than is necessary will be brought to the attention of the BPO and DOC management.

4. Post Award

- a) OAM RMD will monitor Bureau administration of contractor performance. This will include the following at a minimum:
 - 1) Determination of whether contractors are timely submitting ARRA-required reports. Bureaus will be required to certify to OAM regarding (1) whether each contractor receiving ARRA funds has submitted their required report; (2) whether the report, as submitted, was acceptable (e.g., complete, consistent with previous reports, etc.); and (3) what action has been taken for contractors failing to submit timely and complete reports or unacceptable reports. Contractor reporting is required by the 10th day of the month following the end of the calendar quarter. The first reports are due July 10, 2009, and quarterly thereafter.
 - 2) Determination of whether other contract deliverables (both programmatic and administrative) are being received timely and whether the reports are acceptable as delivered. OAM RMD will be assessing not just whether reports or deliverables are received, but that reports and deliverables are being reviewed, evaluated, issues addressed, and ensuring that contractors' deliverables are acceptable and in accordance with the terms of the contract and are not in violation of any terms and conditions of the award. Where untimely deliverables are submitted or where submitted deliverables are unacceptable, OAM RMD will be looking to see what actions the Bureau is taking.
 - 3) OAM will monitor Bureau execution of all award term, award fee, or incentive fee provisions of all ARRA contracts, regardless of dollar value to ensure the right things are being measured under the contract, only exceptional performance is rewarded and less than fully satisfactory performance is not rewarded.
 - 4) OAM will monitor both the timeliness of payments against acceptable invoices but will also look to see that payment is made only to those contractors in full compliance with all delivery schedules and reporting requirements.
- e) OAM RMD will assess the handling of post-award actions by the Bureaus, including, but not limited to, requests for modification to the order/contract by either the Contractor or the Contracting Officers Representative. OAM RMD will also assess whether contract closeouts are being accomplished in a timely manner.
- f) OAM RMD will conduct a random sample review of ARRA awards to measure compliance with guidance on award, inclusion of appropriate terms and conditions, and reporting/public notice. OAM RMD will also assess the sufficiency and clarity of file documentation to support the decisions made and to present alternatives considered in

reaching the decision made. Results will be shared with the granting office, with DOC management, and, where appropriate, with the DOC OIG.

- g) OAM RMD will review the required monthly post-award reports to identify performance or execution issues including protests, claims and disputes. OAM RMD will consult with the appropriate Contracting Officer/BPO and receive copies of all protests and claims, interim and final determinations/rulings.