



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: ROLES, RESPONSIBILITIES, AND STANDARDS OF CONDUCT IN PROCUREMENT ACTIVITIES

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1. PURPOSE

Part One describes the respective roles and responsibilities of key participants in the approval of procurements for the U.S. Chemical Safety and Hazard Investigation Board (CSB). **Part Two** reiterates important provisions of federal law related to procurement integrity. **Part Three** describes key procedures related to the procurement process. **Part Four** addresses training, internal controls, and recordkeeping.

2. EFFECTIVE DATE

This order is effective upon passage by the Board.

3. SCOPE

This Order applies to all CSB Board Members and employees. Nothing in this Order is intended to conflict with any provision of federal law. In the event of a conflict, federal law controls. This Order is for CSB internal use only and is not intended as legal or procurement advice to any member of the public.

4. REFERENCES

41 U.S.C. § 106 (Procurements); 40 U.S.C. §121(c)(2) (Clinger-Cohen Act); 42 U.S.C. §7412(r)(6)(N) (CSB enabling legislation); 18 U.S.C. § 208 (governing criminal conflict of interest regarding financial matters); 41 U.S.C. § 2101-2106 (governing access to and release of procurement information); 41 U.S.C. § 1909 (management of purchase cards); 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch); Federal Acquisition Regulation (FAR), including but not limited to: FAR Part 3 (improper business practices and personal conflicts of interest); FAR Part 10, (market research); FAR Subpart 46.103, (contracting office responsibilities) FAR Subpart 46.104, (contract administration office responsibilities; and FAR Subpart 42.15 (contractor performance information); OMB Circulars A-76, A-123, and A-130.

5. DEFINITIONS

- a. **Acquisition** – the purchase of supplies or services by contract with appropriated funds.
- b. **Acquisition Authority** – the right to contract or purchase supplies and services.
- c. **Certifying Officer** – is the CSB’s Director of Financial Operations and is responsible for certifying the availability of appropriated funds for any procurement outside of the CSB’s purchase card program.
- d. **Chairperson** – the Board Member who is the Chairperson of the CSB or, when the position of Chairperson is vacant, the Board Member Delegated Interim Executive and Administrative Authority.

- e. **Acquisition Career Manager** – a CSB employee appointed by the Chairperson to monitor and manage the training and certification of the CSB’s acquisition workforce. *See* Office of Federal Procurement Policy Letter 05- 01.
- f. **Chief Information Officer (CIO)** – a CSB employee with responsibility for planning and approval of most IT goods and services.
- g. **Commercial Products and Services** – a Federal Government preference to acquire commercial items and components available in the commercial marketplace (FAR 12).
- h. **Contract or Lease** – any procurement, micro-purchase, purchase order, task order, delivery order, contract, inter-agency agreement, cooperative agreement, lease, or other transaction by which the CSB acquires goods and/or services necessary to conduct its duties.
- i. **Contract Administration** – the post-award functions related to the administration of contracts.
- j. **Contracting Officer (CO)** – the person with authority delegated by the Chairperson to enter into, administer, or terminate contracts, and to make related determinations and findings.
- k. **Contracting Officer’s Representative (COR)** – an individual, designated by the Head Contracting Officer, delegated authority and responsibility for the technical evaluation of contractor proposals, administration of contracts, and monitoring contractors’ performance. Contracting Officer’s Representatives (CORs) are appointed in writing by the Head Contracting Officer (CO). (*See* FAR 1.602-2(d)).
- l. **Contractor Performance Assessment System (CPARS)** – the Government-wide evaluation reporting tool for all past performance reports on contracts and orders over the simplified acquisition threshold.
- m. **Delivery or Task Order** – an order for supplies or services placed against an established contract, or with Government sources of supply.
- n. **Electronic Procurement System** – the web-based portal the CSB uses to facilitate the purchase of goods and services. The CSB uses this system as an electronic gateway into the Federal Financial System (FFS), which is the CSB’s automated financial management system.
- o. **Federal Acquisition Regulation (FAR)** – ([Title 48, Chap. 1 of Code of Federal Regulations](#)) is the primary regulation used in the acquisition of supplies and services with appropriated funds.
- p. **Funding Authority** – the right of an individual to approve the commitment of funds for a purchase request or other acquisition. (*See* Appendix A for

Approval Authorities).

- q. **Government-wide Contracts** – contracts entered into by other federal entities that the CSB may use to obtain supplies or services.
- r. **Government-wide Point of Entry (GPE)** – refers to the single point where Government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be accessed electronically by the public. More information on the GPE is available at: <http://www.fbo.gov/>.
- s. **Head Contracting Officer** – a CO designated by the Chairperson or Managing Director to lead the CSB procurement office and maintain policies, procedures, reports, and forms related to the procurement office activities.
- t. **Inherently Governmental Functions** – functions that are so intimately related to the public interest as to mandate performance by government employees. (See OMB Circular A-76, Performance of Commercial Activities).
- u. **Interagency Acquisitions** – agreements between the CSB and other federal entities to obtain supplies or services from those entities. (See FAR Parts 2.1 and 17.5).
- v. **IT Capital Plan** – an operational document used to align IT capital investments with the goals and missions identified in the CSB’s Strategic Plan.
- w. **Market Research** – collecting and analyzing information about capabilities within the market to satisfy agency needs. (See FAR Part 10.)
- x. **Micro-purchases** – acquisitions at or below the micro-purchase threshold as established by law, including any CSB approved deviation from the FAR. The threshold for most micro-purchases in [FAR 2.101](#) is \$3,500 as of October 1, 2019. There is a lower limit for purchases covered by the Services Contracting Act. (41 U.S.C. § 6701); however, the Federal Acquisition Council has approved CSB’s request to raise its micro-purchase limit to \$10,000, except for purchases governed by the Service Contract Labor Standards statute.
- y. **Negotiated Procurements** – contracts awarded using other than sealed bidding procedures. (FAR Part 15).
- z. **Performance Work Statement** – a statement of work for performance-based acquisitions that describes the required results in clear, specific, and objective terms with measurable outcomes. At a minimum, the performance work statement identifies the tasks to be performed, the deliverables to be received, the timetable for delivery, contractor progress reports if required by CSB, and payment information.
- aa. **Personal Services Contracts** – contracts that, by express terms or as

administered, make the contractor personnel appear to be, in effect, government employees. (See FAR Section 37.104)

- bb. **Procurement** – any micro-purchase, purchase order, task order, delivery order, contract, inter-agency agreement, cooperative agreement, lease, or other transaction by which the CSB acquires goods and/or services necessary to the conduct of its duties.
- cc. **Purchase Description/Specification** – a description of the essential physical characteristics and functions of supplies required to meet the CSB’s minimum need. It includes a description of the technical requirements for a material, product, or service that identifies the criteria for determining whether the requirements are met.
- dd. **Purchase Request** – a document used to initiate a request for supplies or services.
- ee. **Purchase Order** – an offer to buy certain supplies or non-personal services and construction from commercial sources, upon specified terms and conditions, the aggregate amount of which does not exceed the simplified acquisition threshold.
- ff. **Requisition** – a commitment of funds issued through the Finance Department using the Electronic Procurement System following approval of a purchase request package. Requisitions must be approved by the Certifying Official or his/her delegate before they are released to the Procurement Office.
- gg. **Sealed Bidding** – a method of contracting that employs competitive bids, public opening of bids, and awards. (FAR 14.101.)
- hh. **Simplified Acquisition** – the process of acquiring supplies and services at or below the simplified acquisition threshold set in [FAR 2.101](#) (\$150,000 as of October 1, 2010), or under an elevated threshold set in FAR Part 13.5, if applicable. Simplified acquisitions also include items acquired through the GSA’s Federal Supply Schedule up to the maximum order quantity.
- ii. **Sole Source Acquisition** – a contract for the purchase of supplies or services after soliciting and negotiating with only one source. (See FAR Part 6.)
- jj. **Supplies** – all property, except land or interest in land. Supplies include (but are not limited to) buildings, facilities, ships, vessels, aircraft, aircraft parts, accessories, equipment, machine tools, and the alteration or installation of any of the above.
- kk. **Unauthorized Commitment** – an agreement that is not binding because the government representative who made it lacked the authority to enter into that agreement on behalf of the government.

I. AUTHORITY TO ENTER INTO A CONTRACT OR LEASE

6. CSB CONTRACT AND LEASE AUTHORITY

- a. The Board is authorized to enter into contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the duties and functions of the Board with any other agency, institution, or person. 42 U.S.C. §7412(r)(6)(N). With limited exceptions,¹ the Board delegates its contracting authority to the Chairperson. The Chairperson may delegate his or her contracting authority to CSB Contracting officers, authorized purchase and travel card holders, and other CSB employees.
- b. The Board may vote to authorize another agency (and its contracting officers) to exercise some or all CSB contracting functions.
- c. No CSB employee may enter into any contract or lease, including a micro-purchase, without the appropriate written delegation.
- d. Even with contracting authority, no CSB employee may enter into a contract or lease unless the Director of Financial Operations has confirmed in writing that funding is available for the contract and for obligation.

7. TYPES OF PROCUREMENTS AND/OR PURCHASES

Authorized CSB employees may use the following types of procurements for goods and services: lease of real or personal property, major acquisitions, simplified acquisitions, inter-agency agreements, micro-purchases, and travel related purchases for official government travel. Employees may purchase certain training also by using Standard Form 182 and submitting the request to the CSB Director of Human Resources.

8. BOARD MEMBER ROLES²

- a. **Board Approval:** The Board must vote to approve the following actions:
 - (1) The execution of any contract, interagency agreement (including a required determination and finding), or lease with a maximum value that exceeds \$50,000. See section 8.c. concerning a multi-year lease.
 - (2) The allocation of funds for any such contract, interagency agreement, or lease for the first year of any such contract and for each option year thereafter, except as indicated in section 8. c.1 below (multi year lease).
 - (3) The exercise of any option renewal or modification for additional funding on any such contract, interagency agreement, or lease, except

¹ See CSB Board Order 028 and Section 8, below.

² See Outline of this section in simplified form in [Appendix A](#).

as indicated in section 8. c.1 (multi year lease).

(4) The addition of funds to any contract with an original contract award amount of \$50,000 or less, if the addition of funds will raise the new contract maximum above \$50,000.

(5) Use of the Emergency Fund for procurements.

b. **Methods of Board Approval:** The Board must vote to approve the execution of a contract with a maximum value over \$50,000 and the allocation of funding to such a contract in one of three ways:

(1) by approving such actions as part of the CSB annual operating budget or continuing resolution budget; or

(2) by approving an amendment to the CSB annual operating or continuing resolution budget; or

(3) by approving the execution and funding of a contract by notation item or motion at a public meeting.

c. **Multi-Year Procurements:**

(1) **Leases.** When the Board approves a multi-year lease subject only to the availability of appropriated funds, e.g., a lease of real property, the Board need not approve the allocation of appropriated funds to pay the established lease commitment each subsequent year. Appropriated funds shall be applied each year to the lease commitment subject to the following limited exception. Should the Board desire for any reason to terminate the lease or discontinue payment of rent, the Board must vote to terminate, discontinue payment, or take other appropriate action.

(2) **Other Multi-Year Procurements.** When the Board approves any other multi-year procurement, e.g., a task and delivery order, the Board's initial vote approves only the initial execution of the procurement and initial allocation of funds. Once the initial allocation of funds has been used or is no longer available, the Board must approve any additional allocation of funds for that procurement.

(3) **IT Capital Plan.** The Board must vote to approve the CSB's IT Capital Plan.

d. **Chairperson** – The Chairperson is authorized to:

(1) Approve the execution of contract, lease, or interagency agreement, and the allocation of funds for any such procurement with a

maximum contract value of up to \$50,000.³

- (2) Increase the maximum contract value of a previously Board-approved contract by up to \$15,000 when actual contract expenditures exceed the approved maximum contract value and when the CO has discretion to raise the maximum contract value.
- (3) Approve increases to Board approved contracts of no more than 5% of original contract award or \$15,000, whichever is less. This addition of funds is for the limited purpose of addressing, unforeseen work, limited cost overruns, or minor adjustments required to close a contract without an additional Board vote.
- (4) Approve the allocation up to \$15,000 to a competitive procurement previously approved by the Board if the final contract amount with the successful vendor is in excess of the maximum contract amount approved when the procurement process began. Notation items for such competitive procurements should also include sufficient flexibility for the Contracting Officer to make the final award without additional authorization from the Chairperson or Board.
- (5) Designate qualified CSB employees to serve as CSB Contracting Officers and/or as Head Contracting Officer.
- (6) Delegate authority to CSB employees to negotiate and execute micro-purchases up to the current amount allowed by law.
- (7) Delegate authority to one or more CSB employees to execute inter-agency agreements, including the preparation and execution of any required determination and finding for an interagency agreement of \$50,000 or less.
- (8) Delegate authority to qualified CSB employees to use purchase and/or travel charge cards, and
- (9) Appoint an Acquisition Career Manager.

9. STAFF RESPONSIBILITIES IN CONTRACT APPROVAL AND INTERNAL CONTROL

- a. **Managing Director** – oversees and manages the administrative aspects of the procurement process by authorizing and executing contracts and interagency transfers if delegated authority by the Chairperson (and not to exceed the Chairperson’s authorities outlined in Section 8.d. of this Order).

³ All approvals are subject to the availability of funds.

- b. **Head Contracting Officer (HCO)** - exercises contracting authority up to the limit of the CO's written delegation from the Chairperson, and in accordance with FAR Section 1.602. The Head Contracting Officer is also authorized to develop and implement forms, certifications and other appropriate internal controls to ensure that each procurement is authorized and in compliance with applicable law and this Order.
- c. **Director of Financial Operations** - is the CSB's Certifying Officer. The Certifying Officer certifies the availability of appropriated funds for any procurement outside of the CSB's purchase card program. Such certification shall be in writing and sent to the employee responsible for the procurement and copied to the Head Contracting Officer. A copy of the certification must be maintained by the Director of Financial Operations in accordance with federal records schedules. The Director of Financial Operations also ensures that funds committed for one procurement purpose remain available until the final contract is awarded.
- d. **Chief Information Officer** - is responsible for preparing the CSB's IT Capital Plan and approving purchase requests for all IT investments over the micro-purchase threshold.
- e. **General Counsel** - provides legal advice on appropriations and procurement law to Board Members, Contracting Officers, and others involved in procurement actions. The General Counsel also reviews certain leases, contracts and interagency agreements as described in Section 20.a. In addition, the General Counsel is responsible for determining supplemental terms required for inclusion for certain categories of procurements, including a micro-purchase. For example, supplemental terms are required in most investigative contracts. The General Counsel will draft such terms in coordination with the Head Contracting officer and other interested parties. The GC and Head Contracting Officer will maintain a list of supplemental terms by contract type and review it once per year.
- f. **Office Directors** – are responsible for planning necessary procurements for their offices in consultation with the Head Contracting Officer, Director of Financial Operations, and other staff.
- g. **Purchase Card Holders** – are authorized to make micro-purchases in accordance with their written delegations from the Chairperson.
- h. **Travel Card Holders** – may use their travel cards to make required purchases for government travel only. Detailed responsibilities are set forth in individual cardholder agreements.

10. UNAUTHORIZED COMMITMENTS AND RATIFICATION

a. **General.** FAR Section 1.602-3 defines “unauthorized commitment” as an agreement that is not binding because the government representative who made it lacked the authority to enter into that agreement on behalf of the government. Any unauthorized commitment by a CSB employee beyond his or her delegated authority, unless ratified or approved after the fact, may be declared invalid. This is so regardless of the appearance of authority or position of responsibility of the employee. If ratification is denied, the CSB employee acting in excess of his or her authority may be held personally liable for the unauthorized action, and may also be subject to discipline. Unauthorized actions may be cured and ratified (FAR 1.602-3 (b)(2)), by the Chairperson or Board if the conditions set forth in FAR 1.602-3(c) are met, as described below.

b. **Ratification Procedure.** If an unauthorized commitment has occurred and ratification is desired, the individual who made the unauthorized commitment is responsible for preparing the appropriate purchase request. The individual must then prepare a written request for ratification with the purchase request and any supporting documentation (such as the sales document(s)), and submit the package to the Chairperson for approval. This request must explain why the unauthorized commitment was made and provide a justification for the procurement consistent with the conditions set forth in FAR 1.602-3(c). The Chairperson must approve this request before the purchase request package can be processed by the CSB and submitted to the Contracting Officer for ratification. If the individual who made the unauthorized commitment is unable to obtain all approvals or provide sales document(s), the individual shall be personally liable for the unauthorized commitment.

11. DOCUMENTATION OF PROCUREMENT APPROVALS

Contracting Officers are responsible for maintaining a contract file for each procurement, including documentation of written approval for each procurement. See Section 30 for more information concerning contract file responsibilities and requirements.

12. SPECIAL SITUATIONS

a. **Emergency Fund** – the agency’s permanent appropriation for situations in which an annual appropriation is insufficient to support CSB investigations in that fiscal year. The Board must authorize use of the Emergency Fund for procurements, except when the CSB Shutdown Plan is in effect. Once the Board has voted to approve the use of Emergency Fund for acquisitions and notified the Head Contracting Officer, specified procurements may proceed in accordance with standard procedures.

b. Lapse Planning and Limits on Procurement – in the event that the CSB faces a potential lapse of appropriations authority, the agency may need to take certain contracting actions to avoid unintended expenditures. During a lapse in appropriations, the CSB will minimize new obligations to those necessary to protect life and property. During a government shutdown, no agency employee shall take any action to disburse federal funds, except those that the Chairperson authorizes as required to protect life and property, (e.g., emergency repairs to prevent destruction of CSB property). Because the Emergency Fund is a no year appropriation, the Chairperson may authorize disbursement of the CSB Emergency Fund to extent permissible under that appropriation and the Shutdown Plan.

II. PART TWO - PROCUREMENT INTEGRITY

13. STANDARDS OF CONDUCT

The Chairperson, Board Members, and all CSB employees involved in procurement activities must adhere to all applicable ethics and procurement laws and regulations. These standards highlight the most important principles of ethical conduct in relation to procurement activities. The standards listed below are not a comprehensive restatement of all applicable public and procurement integrity laws, regulations, and standards. Those laws, regulations, and standards require compliance independent of this Order.

- a. The identification, evaluation, and selection of contractors shall be conducted by CSB staff in accordance with the division of roles and responsibilities described in this Order.
- b. When Board approval of a procurement is required, such approval shall be made solely on the merits of the objective requirement.
- c. All participants in procurement activities shall adhere to the Standards of Ethical Conduct for Employees of the Executive Branch.
- d. Any CSB employee involved in procurement activities shall seek the advice of the Designated Agency Ethics Official he or she has a question about the propriety of a particular procurement-related action.
- e. CSB employees shall take appropriate steps - including recusal from the procurement, if necessary - based on advice from the CSB Designated Agency Ethics Official (DAEO) to avoid an ethical conflict or the appearance of one.
- f. All participants in procurement activities shall decline, except as permitted by applicable law or regulation, to solicit or accept any gratuity, gift, favor, entertainment, loan, or anything else of monetary value from any person or entity that engages in procurement activity with, or is seeking to do so with the CSB.
- g. All participants in procurement activities shall not make unauthorized commitments or promises to any person or entity that might misrepresent or bind the CSB.
- h. All participants in procurement activities shall act impartially in connection with those activities and shall avoid giving preferential treatment to any person or private entity.
- i. CSB employees who are participating in a competitive procurement valued in excess of the simplified acquisition threshold must promptly report any contact by a prospective contractor regarding possible non-Federal employment to his or her supervisor and the CSB DAEO.

14. PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST

In order to avoid a conflict of interest, or the appearance of one, between a CSB contractor and a company that is a subject of a CSB investigation, all CSB investigation contracts, including micro-purchases, must include standard supplemental terms, a confidentiality agreement, and a non-conflict of interest certification from the vendor attesting that the individual and/or entity knows of no conflict between that individual/company and the entity under investigation by the CSB. Sample forms are available on the CSB intranet.

III. PART THREE – PROCUREMENT PROCEDURES

15. PROCUREMENT OPTIONS

The CSB enters into the following general types of procurements. Micro-purchases are the responsibility of, and are executed by, authorized purchase card holders or other CSB personnel with a specific delegation to make micro-purchases. The remaining procurement options (e.g., simplified acquisitions) require the assistance of, and are executed by, CSB Contracting Officers.

- a. **Micro-Purchase**– an acquisition that does not exceed the threshold established by law, including any CSB-approved deviation from a limit established by the FAR. NOTE: Other laws, including, but not limited to, the Service Contract Labor Standards statute (41 U.S.C. § 6701 and following), may impose a lower limit on a micro-purchase than the general maximum limit.
- b. **Simplified Acquisition** – Federal agencies are required to use simplified acquisition procedures to the maximum extent practicable for all purchases of supplies or services that do not exceed the Simplified Acquisition Threshold (or under the elevated threshold set under FAR Part 13.5, if applicable) (FAR Part 13).
- c. **Contract Acquisitions** – procurements over the simplified acquisition threshold or the maximum order quantity on GSA’s Federal Supply Schedule. Contract acquisition procedures are the same as those for simplified acquisitions, but due to the complexity of the requirements and the estimated cost of the acquisition, more in-depth market research, technical and pricing evaluations, and negotiations with offerors may be required. This type of acquisition may take three to six months to process.
- d. **Federal Supply Schedule (FSS) or Government-Wide Acquisition Contract (GWAC) Acquisition** – the Federal Supply Schedule program is directed and managed by GSA and provides Federal agencies (*see* FAR 8.004) with a simplified process for obtaining commercial supplies and services at prices associated with volume buying.
- e. **Interagency Agreement** – an agreement awarded to another federal agency for supplies or services (FAR Part 17.5).
- f. **Lease** – a short or long term agreement for the use of real or personal property. CSB lease acquisitions shall follow FMR Part 102-73 for federal real estate acquisition.

The remainder of this Part describes important points and steps for Micro-Purchases, Contractual Acquisitions (Simplified Acquisitions, FSS/GWAC Acquisitions, and Contract Acquisitions), and Inter-Agency Agreements. Sample forms and more specific instructions for each type of procurement are available on the CSB intranet.

16. MICRO-PURCHASES

- a. **General:** Micro-purchases (FAR Subpart 13.2) are acquisitions of goods or services limited to a maximum set by law.
- b. **Current CSB Limit:** Although the current limit for micro-purchases is \$3,500, the CSB requested, and was granted, authority to make purchases of up to \$10,000; however, purchases governed by the Service Contract Labor Standards statute (41 U.S.C. § 6701 and following) are limited to \$2,500.
- c. **Purchase Card:** The Government-wide commercial purchase card is the preferred method to purchase, and to pay for, micro-purchases (see FAR 2.101). Accordingly, the requirements of the CSB Purchase Card should be consulted when making a micro-purchase. If a vendor is unable to accept payment by government purchase card, the vendor may be paid by the CSB's certified invoice process. The Director of Financial Operations is responsible for establishing any procedures required to accept and process invoices through this process.
- d. **Restrictions:** In addition to the monetary limits set out in the FAR, and requirements of the Purchase Card Program, a micro-purchase:
 - (i) may only be by a warranted contracting officer, authorized purchase card holder, or other CSB employee with a delegation of authority from the Chairperson, or any Interim Executive appointed under Board Order 003. See FAR Subpart 1.6;
 - (ii) is subject to the required sources requirements in FAR Part 8;
 - (iii) may be subject to the requirements of other law, including the Service Contract Labor Standards statute (41 U.S.C. § 6701 and following).
- e. **Investigative Services:** All micro-purchase for investigative services of any kind, including report reviews, must include current, supplemental terms, a confidentiality agreement, and a certification of non-conflict. Standard forms are available on SharePoint. Signed copies of each must be returned to the COR before work is authorized. In addition, other unique provisions may be required depend on the nature of the work involved. For example, a contractor transporting evidence and/or a lab testing the evidence may need to abide by certain chain of custody provisions.
- f. **IT Products or Services:** Please consult with the CIO. Purchases of IT products and services are subject to specific requirements.
- g. **Foreign Entities, consultants, and academic institutions:** Contracts, including micro-purchases, with these entities present special challenges. Please consult with OGC before commencing work on a request to purchase services from one of these sources.
- h. **Guidance and Instructions:** Guidance and instructions for requesting a micro-purchase may be found at the CSB's SharePoint site.
- i. **Standard Forms:** For expert peer reviewers, the CSB has developed standard forms to expedite these micro-purchases.
- j. **Unique Provisions:** In addition to investigative micro-purchases, certain other micro-purchase agreements must include specific language. For example, if a contractor requires access to CSB systems or to CSB office space, the contractor will be subject to a background investigation for security reasons. Until cleared, the contractor will not be permitted to

commence work. In addition, the micro-purchase agreement should include language governing records management responsibilities. Some standard terms are available on the SharePoint site.

- k. **Commercial Boilerplate:** Certain vendors will ask the CSB to agree to their “standard language.” This language often includes provisions, such as indemnification and dispute procedures, to which the CSB cannot agree. If you have questions, please contact the General Counsel for assistance.

17. CONTRACTUAL ACQUISITIONS

- a. **General.** For simplified, FSS/GWAC, and contract acquisitions, the requester takes the following steps:
 - (1) Consults with CO regarding acquisition planning, market research, and proposed timeline for completion.
 - (2) Prepares Purchase Request Package (detailed below).
 - (3) If a service contract is subject to OGC review, the requester submits complete package, including all supplemental forms, to the General Counsel for review.
 - (4) If procurement relates to IT products or services, the requester submits complete package to the CIO for review and approval.
 - (5) Submits package to Office Director for review and approval.
 - (6) Obtains funding approval.
 - (7) The Purchase Request Package is sent to Financial Operations to enter a requisition into the Electronic Procurement System (currently PRISM).
 - (8) The Director of Financial Operations reviews the requisition and approves, certifying that funds are available and the package has the necessary approvals for funding.
 - (9) The CO receives an approved requisition in the Electronic Procurement System and commences FAR-related procedures to solicit and award the procurement.

See **Appendix B** for a workflow diagram depicting these steps.

The following sections contain additional information on the general steps outlined above.

b. **Purchase Request Package**

The following documents are required for purchase request packages:

- a. **Purchase Request Form** – summarizes important information about the procurement. The form is available on the CSB intranet and must be completed for each procurement or funding modification.
- b. **Performance Work Statement (PWS)** – required for all service purchases. It must include an explanation of why the CSB needs the procurement. The level of detail required varies based on the

complexity and dollar value. Sample PWS can be found on the CSB intranet.

- c. **Requirements Statement** – required for all non-service purchases. It must include an explanation as to why the CSB needs the procurement. The level of detail shall vary based on the complexity and dollar value of each procurement. The form is available on the CSB intranet.
- d. **Independent Government Cost Estimate** – required for all purchases. It must detail how the cost is calculated. For example, the number of hours required to perform each requested task and the hourly rate. A sample format is available on the CSB intranet.
- e. **Contract and Funding Approval** – required for all procurements. See Appendix A to determine the appropriate approval based on the type of procurement and maximum contract value.
- f. **Market Research** – all purchases should include a written summary of any market research performed and any recommended vendors. A requester should coordinate early in the procurement process with a CO about required sources and the possibility of using existing federal supply schedules to meet the CSB requirement.
- g. **Technical Evaluation Plan (TEP)** – required for all purchases except a sole source or brand name procurement. The TEP establishes the benchmarks for evaluating proposals. It sets forth the factors that shall serve as the criteria to be applied by the Technical Evaluation Panel when reviewing proposals. The PWS, TEP, and evaluation proposals are clearly linked. The PWS serves as the basis for the evaluation factors contained in the technical plan, and these factors are used to evaluate the proposals. If the vendor selection shall be based on more than just the lowest cost, the other evaluation factors must be included with the purchase request. A sample TEP format is available on the CSB intranet.
- h. **Sole Source or Brand Name Justification** – required if only one vendor or one brand name meets CSB requirements. Requesters should work with a CO to determine the appropriate justification form to use.
- i. **Section 508 Determination and Findings** – required for IT and electronic purchases. Please consult a member of the IT staff for help completing the form. A sample is available on the CSB intranet.
- j. **Supplemental Terms** – required supplemental terms, confidentiality, conflict of interest and other terms are necessary for certain categories of contracts, including investigative contracts.

18. ACQUISITION PLANNING & MARKET RESEARCH

Acquisition planning involves a general consideration of all the elements required to make a particular acquisition. The process may be simple or complex depending on the transaction. Acquisition planning, which is primarily the responsibility of the COR with assistance from a CO, begins with concept development and continues to the point of submitting a final Procurement Request to the CO.

In coordination with the procurement package assembly and approval, the COR and CO perform acquisition planning (FAR Part 7) and market research ([FAR Part 10](#)) for all acquisitions. COs will document acquisition planning and market research on the agency Acquisition Plan form.

The following are typical steps or considerations in the planning process:

- a. **Market Research** – FAR Part 10 requires agencies to conduct market research to determine if commercial items or non-developmental items are available to meet the Government’s needs, or could be modified to meet the Government’s needs. FAR Part 10 describes methods of conducting market research to arrive at the most suitable approach to acquiring, distributing, and supporting supplies and services. Market research is further required to:
 - i. Promote full and open competition; and
 - ii. Ensure that needs are met in a cost effective manner.
- b. **Required Sources** – Federal agencies are required to satisfy requirements for supplies and services from sources listed in FAR Section 8.002. These mandatory sources include: agency inventories, the Government Printing (GPO), Federal Prison Industries, Inc., and the Committee for Purchase from People Who Are Blind or Severely Disabled.
- c. **Socioeconomic Programs** – the Federal Government is committed to providing maximum opportunities in its acquisitions to certain categories of small and disadvantaged businesses (FAR 19.1). All actions exceeding the micro-purchase threshold and not exceeding the simplified acquisition threshold are reserved exclusively for small business concerns (FAR 13.003 (b)(1)). The requester must identify three or more responsible small businesses that can be reasonably expected to make offers that are competitive in terms of market prices, quality, and delivery. If the requester cannot identify small businesses that can meet the CSB’s requirements, the acquisition of supplies and services from large businesses is permitted, but the requester must include a statement in the vendor information why a small business could not be used.
- d. **Contractor Performance Assessment System (CPARS)** – the CO should review past performance information on potential vendors to aid award determinations.
- e. **Commercial Products and Services** – The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) established a Federal Government

preference to acquire commercial items and components available in the commercial marketplace (*See* FAR Part 12). CSB requesters and Contracting Officers shall:

1. Conduct market research to determine whether commercial items or non-developmental items are available that could meet the agency's requirements;
 2. Acquire commercial items or non-developmental items when they are available to meet the agency's needs; and
 3. Require prime contractors and subcontractors at all tiers to incorporate, to the maximum extent practicable, commercial items or non-developmental items as components of items supplied to the agency.
- f. **Inherently Governmental Functions** – functions that are so intimately related to the public interest as to mandate performance by government employees. They *may not* be performed by a contractor. Such functions include those activities that require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. For example, a Contracting Officer performs an inherently governmental function. (Refer to OMB Circular A-76 for general guidance).
- g. **Personal Services** – services that may not be performed by a contractor. In general, a personal service contract is one that creates an employer-employee relationship. (*See* FAR Part 37.104.)
- h. **Screening for Conflict** – the CO and COR shall conduct sufficient research to determine whether possible vendors might have a potential conflict of interest. Otherwise, significant effort could be spent on procurement in which one or more vendors have a clear conflict.
- i. **Acquisition of Information Technology Supplies or Services** - the CSB will identify its IT requirements pursuant to Office of Management and Budget (OMB) Circular A-130, including consideration of security of resources, protection of privacy, national security and emergency preparedness, accommodations for individuals with disabilities, and energy efficiency. Agencies must follow OMB Circular A-127, Financial Management Systems, when acquiring financial management systems (FAR 39.101).

Consequently, the Chief Information Officer must approve all requests for information technology supplies or services over the micro-purchase threshold. The CIO is responsible for the timely review and disposition of such purchase requests. The CIO determines if the requests are compatible with the CSB information technology infrastructure and Information Resources Management plan. The CIO also determines if the requested supplies or services are appropriate for satisfying the requirement and for recommending alternatives

if the request is not appropriate. Finally, the CIO confirms that the proposed procurement is consistent with laws applicable to IT purchases, such as section 508 of the Rehabilitation Act.

j. **Types of Contracts** – the Contracting Officer shall determine which type of contract is appropriate for individual transactions. Potential contract types include:

1. **Fixed Price** – these contracts provide for a firm price or in appropriate cases, an adjustable price. A firm-fixed price contract provides for a price that is not subject to any adjustment on the basis of the contractor’s cost experience in performing the contract. A fixed price contract with economic price adjustment provides for upward and downward revision of the stated contract price upon the occurrence of specified contingencies (FAR 16.2).
2. **Cost Reimbursement** – these contracts provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of the Contracting Officer. They are suitable when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract (FAR 16.3)
3. **Time and materials and labor hour** – this type of contract provides for acquiring supplies or services on the basis of:
 - i. Direct labor hours at specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit; and
 - ii. Actual cost for materials (except as provided for in FAR [31.205-26](#)(e) and (f)).
 - iii. A labor-hour contract is a variation of the time-and-materials contract, differing only in that materials are not supplied by the contractor. See [12.207](#)(b), [16.601](#)(c), and [16.601](#)(d) for application and limitations, for time-and-materials contracts that also apply to labor-hour contracts. See [12.207](#)(b) for the use of labor-hour contracts for certain commercial services.
4. **Indefinite Delivery (IDIQ)** – There are three types of indefinite-delivery contracts: definite-quantity contracts, requirements contracts, and indefinite-quantity contracts. The appropriate type of indefinite-delivery contract may be used to acquire supplies and/or services when the exact times and/or exact quantities of future deliveries are not known at the time of contract award (FAR 16.501-2).

5. **Options** – contract provisions that grant to the government a unilateral right, for a specified time, to purchase additional supplies or services, or elect to extend the term of the contract. Options may be included in contracts when it is in the Government’s interest (FAR 17.200).
6. **Foreign Acquisitions** – The Buy American Act restricts the purchase of supplies that are not domestic end products (FAR 25.000). Foreign acquisitions that include travel requirements of foreign nations to the U.S. can involve numerous issues, including visa requirements for contractor personnel that must be carefully considered during acquisition planning.

19. IMPORTANT CONTRACT TERMS

- a. **Government Property** – FAR Part 45 prescribes policies and procedures for providing Government property to contractors, their use and management of Government property, and reporting, redistributing, and disposing of contractor inventory of Government property.
- b. **Subcontracting** – FAR Part 44 prescribes policies and procedures for consent to subcontract or advance notification of subcontracts and for review, evaluation, and approval of a contractor’s purchasing system.
- c. **Supplemental Terms, Confidentiality, Certificate of Non-Conflict and Non-Disclosure Agreements** – Depending on the nature of work to be performed, standard supplement terms, a Confidentiality Agreement and/or Contractor Certifications about conflicts may be required before a purchase order or contract can be awarded. All investigative support contracts shall include such terms.

20. CONTRACT CONTROLS

- a. **Legal Review** – prior to the award of a contract for services above \$50,000, any recurring interagency agreement above \$50,000, any non-recurring interagency agreement above \$5,000, or the execution of a lease in any amount, the General Counsel or his/her designee shall review the proposed contract, interagency agreement, or lease for legal compliance. Among other factors, the General Counsel shall determine if the procurement involves an inherently governmental function or a personal services contract (*see* FAR 37.104). The General Counsel shall also consider whether the proposed statement of work is sufficiently clear so that the CSB will be able to pursue a remedy if the contractor fails to perform. Finally, the General Counsel shall review the final purchase request package to verify that all required supplemental terms have been included in the proposed contract.

In addition to the typical categories described above, the General Counsel shall

review any contract or interagency agreement with an academic institution, an FFRDC, the National Academy of Sciences, any foreign entity or individual, any contract involving travel of foreign national to the United States, or any contract involving CSB payment for services of an employee from another federal or state agency. The Head CO may also request legal review of any other contract or interagency agreement, especially non-recurring interagency agreements or atypical procurements. Finally, if a contractor insists upon other than standard government terms, the General Counsel must review to ensure that the terms are in compliance with federal law and do not create obligations that violate the Anti-Deficiency Act.

- b. **Contracting Officer Verification of Required Documentation** – the CO will not award a contract unless and until the contract file includes written evidence of the following:
- Approval to execute the contract by the appropriate CSB authority (see Appendix A for appropriate authority based on procurement type and value); Approval of funding by the appropriate CSB authority, (see Appendix A for appropriate authority based on procurement type and value);
 - Certification of the availability of funding from the certifying officer;
 - Review and approval by the CIO and/or General Counsel as appropriate;
 - Market Research documentation appropriate to the specific acquisition, such as emails, internet searches, and memos of pertinent phone calls; and
 - If the contract is over the simplified acquisition threshold, a quality assurance surveillance plan;
 - Inclusion of required supplement terms; and
 - Exclusion of prohibited terms.
- c. **Inspection and Acceptance** – Government contract quality assurance (inspection) shall be performed at such times and places as may be necessary to determine that the supplies or services conform to contract requirements (FAR 46.401). Acceptance constitutes acknowledgement that the supplies or services conform to applicable contract quality and quantity requirements (FAR 46.501). See also Section 22 of this Order.
- d. **Contract Monitoring** – is a function of contract administration used to determine contract progress and to identify any factors that may delay performance. It is normally accomplished by COR reviews of contractor progress reports. (FAR 42.11).
- e. **Quality Assurance** – the CSB shall conduct assurance reviews at such times (including any stage of manufacture or performance of services) and places (including subcontractors' plans) as may be necessary to determine that the supplies

or services conform to contract requirements. Depending on the size and complexity of a requirement, quality assurance surveillance plans should be prepared in conjunction with the preparation of the performance work statement. The plans should specify the work requiring surveillance and the method of surveillance.

- f. **Payment** – FAR Part 32 sets forth procedures for contract payments. Specifically, FAR 32.9 describes the requirements for adherence to the provisions of the Prompt Payment Act.

21. EMERGENCY ACQUISITIONS

General. Emergency acquisitions are only authorized when the immediate delivery of supplies or services is necessary because of exigencies existing during the on scene portion of an investigation, during an out-of-office activity, or after business hours. The staff member making the acquisition must ensure that:

1. The acquisition is prudent and proper in view of the actual need;
2. The aggregate cost does not exceed the individual's acquisition authority; and
3. The immediate delivery is required to support a critical mission-related activity.

The individual making the acquisition must notify the Chairperson and the Director of Financial Operations of the acquisition and its cost the following business day so the obligation can be recorded. The individual making the acquisition is responsible for adequately justifying the need for an emergency acquisition and providing a sales document, such as an invoice; absent sufficient justification and documentation, the individual shall be personally liable for the acquisition. Emergency acquisitions should be made using a government purchase card. If a government purchase card cannot be used, however, the individual may use personal funds and request reimbursement.

22. INSPECTION AND ACCEPTANCE OF DELIVERABLES

Inspection of Deliverables. It is the COR's responsibility to inspect deliverables before acceptance. The purpose of the inspection is to ensure the supplies or services received meet the requirements set forth in the purchase description or the performance work statement. In general, deliverables should be inspected immediately upon receipt, but must be inspected and accepted or rejected within five working days of receipt (unless a different deadline for acceptance is established under the contract).

- a. **Acceptance.** If the deliverable conforms to the requirements set forth in the purchase description or the performance work statement, it is accepted and approved within the electronic invoice approval system.
- b. **Rejection.** If the deliverable does not conform to the requirements set forth in the purchase description or the performance work statement, the COR must reject the deliverables. The COR must immediately notify the Contracting Officer for the procurement so appropriate action can be taken. This notification must be written, describe the deficiency, and recommend a corrective action.

23. CONTRACT MODIFICATIONS

General. Only Contracting Officers acting within the scope of their authority are authorized to execute contract modifications on behalf of the Government. Other personnel shall not: execute contract modifications; act in a manner to cause the contractor to believe that they have authority to bind the Government; or direct or encourage the contractor to perform work that should be the subject of a contract modification. The COR must prepare and submit to the appropriate officials a request for modification to the contracting officer if they believe there is a need to issue a contract modification (FAR 43.102).

There are two types of contract modifications:

- a. **Request for Non-Monetary Modifications.** If a purchase order or contract requires a modification that does not change the cost, the COR must request that the Contracting Officer modify the purchase order or contract. This request should be made via e-mail. The request must provide details on the change(s) and include a justification for the change(s). The Contracting Officer makes the final decision on whether the requested modification shall be executed.
- b. **Request for All Other Modifications.** If it is determined that a purchase order or contract needs to be modified and change the cost, the COR must obtain the required approvals (see Appendix A) before the modification can be made. The request must provide details on the change(s) and include a justification for the change(s). After the modification is approved, the Contracting Officer makes the final decision on whether the requested modification shall be executed.

24. PROTESTS, DISPUTES AND APPEALS

- a. **Protests** – Contracting officers shall consider all protests and seek legal advice from the CSB’s Office of General Counsel, whether protests are submitted before or after award, and whether filed directly with the agency or with the Government Accountability Office (GAO) (FAR 33.102).
- b. **Disputes and Appeals** – Contracting Officers shall aim to resolve all contractual issues by mutual agreement and in consultation with the CSB Office of General Counsel. Reasonable efforts should be made to resolve controversies prior to the submission of a claim. The CSB shall use Alternate Disputes Resolution (ADR) procedures to the maximum extent practicable (FAR 33.204).

25. CONTRACTS FOR INVESTIGATIONS AND STUDIES

- a. The DAEO and/or Head Contracting Officer may issue supplemental guidance on early screening for conflicts of interest in contracting, which will be available on the CSB intranet.
- b. Any procurement, including a micro-purchase, that involves an individual who works for an academic institution and/or involving an individual who is not a U.S. National residing in the U.S. could require additional time. Requesters should

plan accordingly.

- c. Any procurement that requires a foreign citizen to travel to the United States may also require a Visa. This factor could add significant time to the completion of a procurement and/or contract performance.

26. INTERAGENCY ACQUISITIONS

General. Interagency acquisitions are made by interagency agreements between the CSB and other federal entities (servicing agencies) to obtain supplies or services from those entities. The supplies or services may be provided directly by the servicing agency, or may be provided through a contract between the servicing agency and a third party. The CSB shall not obtain supplies or services from another agency for the purpose of avoiding the competition requirements contained in FAR Part 6. The only CSB officials authorized to sign interagency agreements are the Chairperson or employees with written delegations.

Request for Interagency Acquisition. When a requirement for supplies or services has been identified that can be met through an interagency acquisition, the requester is responsible for preparing an interagency acquisition request. This request shall contain the following:

- a. **Purchase Request Form** – Summarizes important information about the procurement. The form is available on the CSB intranet and a form must be completed for each procurement.
- b. **Agreement** – Interagency agreement, reimbursable work authorization, or similar document that describes what shall be purchased and terms. The agreement should include a performance work statement if purchasing services, or a requirements statement if purchasing goods. These agreements are generally provided by the servicing agency; however, the CSB may require additional terms to these agreements or may propose its own agreement to the servicing agency.
- c. **Best Interest Determination** – Required for interagency acquisitions that are either direct or assisted acquisitions (see OMB guidance from June 6, 2008). The level of information required shall vary based on whether direct or assisted. All best interest determinations must include a detailed cost comparison of interagency purchase versus an open market purchase.
- d. **Section 508 Determination and Findings** – Required for IT and electronic purchases. The Section 508 determination and finding form is available on the CSB intranet. Please consult a member of the IT staff for help completing the form.
- e. **Determination and Finding** – Each order or task for supplies or services using an interagency agreement must be supported by a determination and finding. *See* FAR Subpart 1.7 for guidance on preparing determinations and findings, FAR Subsection 17.503 for requirements specific to interagency acquisitions.)

- a. The determination and finding must state that:
 - i. The use of an interagency agreement is in the best interest of the government; and
 - ii. The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source. (*See FAR Part 10 for guidance on performing market research.*)
- b. If the order requires contracting action by the servicing agency, the determination and finding must also include a statement on the servicing agency's authorization and ability to purchase supplies and services on behalf of other agencies. FAR Subsection 17.503 provides the specific requirements for this statement.
- c. The determination and finding must be approved by either the Board, the Chairperson, or by an employee designated by the Chairperson. Any employees with delegated authority from the Chairperson to approve a determination and finding must have sufficient authority to contract for the supplies and services to be ordered. See Section 8a. and 8d. In most cases, such an official shall be a Contracting Officer. *See FAR 17-502-2(c)(2).*
- d. The determination and finding is valid for the life of the project or program, not to exceed five years. If a project or program is planned to exceed a five year period, then prior to the end of the fifth year, a new review must be done to prepare a new determination and finding for the extended life.
- e. An additional determination and finding is not required to incrementally fund an existing interagency agreement or to administratively modify one, if the scope of the work remains the same. If the scope of the work changes, however, a new review must be done to prepare a new determination and finding.

Federally Funded Research and Development Centers. If an interagency agreement is for work to be performed by a Federally Funded Research and Development Center (FFRDC), the requester must include documentation which shows that the requested work will not place the FFRDC in direct competition with domestic private industry. (*See FAR Subsection 17.503 for additional information on interagency acquisitions from FFRDCs and FAR Part 35 for additional information on FFRDCs.*)

27. PAST PERFORMANCE (CPARS)

Pursuant to FAR Part 42.1502, the Head Contracting Officer is responsible for ensuring that "past performance evaluations shall be prepared at least annually and at the time the work under a contract or order is completed." Past performance information for contracts over the simplified acquisition threshold shall be entered into CPARS. The Head Contracting Officer

shall evaluate compliance with the reporting requirements in FAR 42.1502 quarterly and report deficiencies, if any, to the Chairperson. Pursuant to FAR Part 42.1503, the Head Contracting Officer will issue procedures consistent with that Part to ensure the inclusion of appropriate parties in the performance evaluation system and detailed instructions for completion of past performance evaluations.

28. CLOSEOUT OF CONTRACT FILES

The CO will determine when Simplified Acquisition files are ready for closure based CO's review of evidence that the CSB has received all supplies or services and has made final payment. All other contract files will be closed as soon as practicable after the Contracting Officer receives a contract completion statement from the COR and the COR's Office Director. (FAR 4.804).

IV. PART FOUR - TRAINING, RECORDKEEPING, & REPORTING

29. PROCUREMENT TRAINING AND GUIDANCE

- a. The CSB Acquisition Career Manager monitors and manages the training and certification of the CSB's acquisition workforce. This includes the maintenance of CO and COR certifications consistent with the latest Office of Federal Procurement Policy guidance.
- b. CSB employees take ethics training each year. In addition to that minimum training, each CO and COR will take an additional two hours of training each year related to procurement integrity. The DAEO and Acquisition Career Manager will jointly issue guidance each year on required training.
- c. All purchase and travel card holders are required to fulfill training requirements as provided for in the CSB purchase and/or travel card programs.
- d. In consultation with the Acquisition Career Manager and the General Counsel, the Head Contracting Officer is authorized to issue required forms and guidance consistent with this Order and applicable law. *See* FAR 1.301(a)(2).

30. RECORDKEEPING

- a. **Chairperson** - The Chairperson or his/her designee must maintain a copy of all current contracting delegations. Any employee who has been delegated authority to execute any type of procurement must keep a current copy of his or her delegation throughout the pendency of the delegation.
- b. **The Head Contracting Officer** – is responsible for establishing and maintaining the contract file system for the CSB (FAR 4.802), which applies to all COs. The Head Contracting Officer is responsible for issuing recordkeeping guidance to each COR and periodically reviewing the COR file to ensure completeness. Pertinent retention schedules for contracting documents must be retained in accordance with the applicable General Record Schedule from National Archives and Records Administration (NARA) and/or any CSB recordkeeping requirement.
- c. **COR** – the COR maintains a file for each assigned contract. The file must include, at a minimum, a copy of the contracting officer's letter of designation and other documents describing the COR's duties and responsibilities, a copy of the contract administration functions delegated to a contract administration office that may not be delegated to the COR (*see* FAR 1.602-2(d)(4)), and documentation of COR actions taken in accordance with the delegation of authority.

31. INFORMATION REQUESTS

Contracting officers, CORs, or other CSB employees may receive requests for contract records or other procurement-related information. Under 41 U.S.C. §§2101-2106 and FAR Part 3.101, CSB employees must exercise extreme care to protect procurement-related

business information. For example, current and former CSB employees shall not knowingly disclose proposal or bid information or source selection information, before the award of a contract to which the information relates. Even if a contract has been awarded, CSB employees must exercise extreme caution in disclosing any information related to the contract.

If any CSB employee receives a request to disclose procurement information, he/she shall promptly report such request to the CO and the General Counsel and refer the requester to the General Counsel. The General Counsel can inform the requester about options for obtaining such information under the Freedom of Information Act or other manner authorized by law.

32. INTERNAL AUDIT TEAM

The Head Contracting Officer, Director of Financial Operations, General Counsel, and DAEO will review this Order each year and make suggestions for revisions by December 1 of each year. The Head Contracting Officer is responsible for coordinating the review. The team will review current controls in light of changes to law, audit recommendations, and any issues that have developed in the course of the acquisition process or contract management in the preceding fiscal year. Based on this review, the Head Contracting Officer will prepare an annual report for the Board that describes findings from the team review and any proposed amendments to this Order due to changes in the law or other circumstances. The Board will consider such reports at its first regularly scheduled business meeting following receipt of the report.

Adopted February 23, 2016; Amended October 29, 2019

Note: This Order supersedes and rescinds the original Board Order 24, adopted on December 27, 1999 and Board Order 27, adopted on June 4, 2002. This Order supersedes and rescinds any prior management directives concerning procurements.

V. APPENDIX A - OUTLINE OF APPROVAL AUTHORITY⁵

Procurement/Contract Description	Original Maximum Contract Value	Contract and Funding Approval
Lease, Simplified Acquisition, Interagency Agreement or any other Contract. Section 8.a.1.	Over \$50,000	Board
The allocation of funds for any such contract, interagency agreement, or lease for the first year of any such contract and for each option year thereafter. Section 8.a.2.	Over \$50,000	Board
The exercise of any option renewal or modification for additional funding on any such contract, interagency agreement, or lease. Section 8.a.3.	Over \$50,000	Board
Contract Modification(s) Putting the Maximum Contract Value over \$50,000. Section 8.a.4.	Original max contract \$50,000 or less	Board
Procurement Using Emergency Fund Section 8.a.5.	Any Amount	Board
Lease, Micro-Purchases, Simplified Acquisition, Interagency Agreement or any other Contract. Section 8.d.1.	\$50,000 or less	Chairperson
Increase the maximum contract value of a previously board approved contract by up to \$15,000 when actual contract expenditures exceed the approved maximum contract value. Section 8.d.2.	\$50,000 or more	Chairperson
Approve required increases to Board approved contracts of no more than 5% of original contract award or \$15,000, whichever is less. Section 8.d.3.	Over \$50,000	Chairperson
Post solicitation / pre-award increase of maximum contract value up to a maximum of \$15,000 under certain circumstances. Section	Originally Approved maximum contract	Chairperson

⁵ Certain procurements may require review by CIO and/or General Counsel prior to award

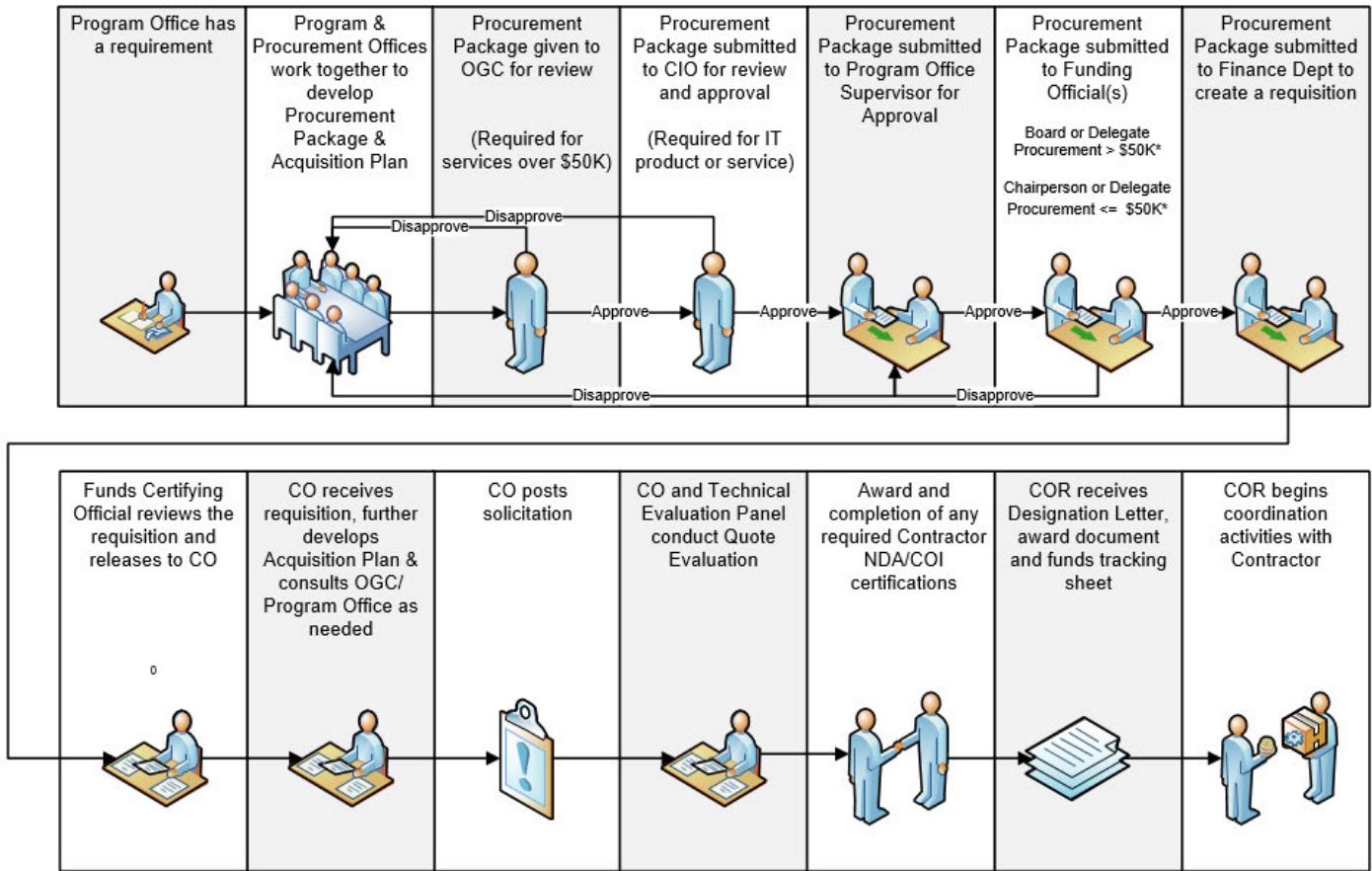
8.d.4.	value Over \$50,000	
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Notes:

1. **Board Approval Methods** - include voting for approval as part of the CSB annual operating budget or continuing resolution budget; amendment to such budget; Notation Item, or motion at a public meeting.
2. **Chairperson** – may delegate in writing specific contracting and funding authorities to other CSB employees.

VI. APPENDIX B - PROCUREMENT WORKFLOW DIAGRAM⁶

CSB Procurement Process to Award/COR Designation



*Requests for contract modifications that raise the contract value over \$50K will require Board vote. For requests for contract modification to add funding under \$15K on procurements already approved by the Board, the Chairperson is authorized to approve.

⁶ This is for illustrative purposes only. For definitive guidance, please refer to the written sections of this Order, the FAR, and other federal law.