

DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
Fort Bragg, North Carolina 28307-5000

Regulation
No. 715-1

6 Nov 98

Contracting
ACQUISITION INSTRUCTIONS

Table of Contents

SECTION I	PARAGRAPH	PAGE
GENERAL		
Purpose	1	3
References	2	3
Responsibilities	3	3
SECTION II		
POLICIES AND PROCEDURES		
Acquisition Planning	4	3
Administrative Approval	5	4
Commercial Items and Services	6	4
Competition Requirements	7	4
Contract Administrative Lead Time (CALT)	8	5
Formal Source Selection	9	5
Government Estimates	10	6
Improper Business Practices and Personal Conflicts of Interest	11	6
International Merchant Purchase Authorization Card (IMPAC)	12	7
Lease vs Purchase	13	7
Loan of Equipment or Services from Commercial Vendors (No Cost Agreement)	14	8
Ordering Officers	15	8
Procurement Fraud, and Fraud, Waste and Abuse	16	9
Unauthorized Commitment (UAC) and Ratification	17	9
Unsolicited Proposals	18	11
Warranties	19	12
Emergency Support	20	12
IBO-C Home Page	21	12

*This regulation supersedes Regulation 715-1, this headquarters,
16 Sep 94

XVIII Abn Corps and Fort Bragg 715-1

	PAGE
APPENDIX A - Items and Services Requiring Administrative Approval	13
APPENDIX B - Contract Administrative Lead Time (CALT)	14
APPENDIX C - XVIII Airborne Corps and Fort Bragg Procurement Fraud Coordination	15

**SECTION I
GENERAL**

1. **PURPOSE.** To establish policies and procedures for requesting contract support. This regulation is applicable to all organizations and units assigned or attached to XVIII Airborne Corps and Fort Bragg, to include tenant units.

2. **REFERENCES.**

- a. Federal Acquisition Regulation (FAR).
- b. Department of Defense Federal Acquisition Regulation Supplement (DFARS).
- c. Army Federal Acquisition Regulation Supplement (AFARS).
- d. U.S. Army Forces Command (FORSCOM) Federal Acquisition Regulation Supplement (FFARS).
- e. DODD 5500.7-R, Joint Ethics Regulation.

3. **RESPONSIBILITIES.** Supported activities will:

- a. Provide adequate purchase description, local purchase authority, fund availability, and all technical assistance required to process a requirement.
- b. Perform the broad functions of contract administration such as engineering evaluation, testing, inspection, and acceptance.

**SECTION II
POLICIES AND PROCEDURES**

4. **ACQUISITION PLANNING.**

a. Acquisition planning is the process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need in a timely manner at a reasonable cost. This includes ensuring that only necessary and cost-effective requirements are included in solicitations and resulting contracts. The purpose of this planning is to ensure that the government fulfills its needs in a timely manner and at a reasonable cost. The extent of acquisition planning should be commensurate with the dollar value of the procurement.

b. Advance acquisition planning is the responsibility of all activities and will be accomplished for all recurring requirements, expected new requirements, and one-time requirements estimated to exceed \$100,000. An Advance Acquisition Planning Program (AAPP) has

XVIII Abn Corps and Fort Bragg 715-1

been established; any questions should be directed to Chief, Contracting Division, Installation Business Office - Contracting (IBO-C).

5. ADMINISTRATIVE APPROVAL. Certain items and services require administrative approval by activities responsible for the function. Attached at Appendix A is a list of items and services requiring administrative approval and the approving activity. All purchase requests received by IBO-C without proper approval will be returned to the requesting activity without action.

6. COMMERCIAL ITEMS AND SERVICES.

a. Market research is an effective strategy for the acquisition of commercial items and services. An agency's requirement must contain sufficient detail for potential offerors of commercial items to know which commercial products or services are suitable. The performance work statement or item description that is sent by the using activity to IBO-C must describe the type of service to be acquired and explain how the agency intends to use the product or service in terms of function to be performed, performance requirement, or essential physical characteristics.

b. Contracts for commercial items shall rely on contractor's existing quality assurance systems as a substitute for government inspection and testing before acceptance, unless customary market practices for the commercial item being acquired include in-process inspection. Any in-process inspection by the government shall be conducted in a manner consistent with commercial practice.

7. COMPETITION REQUIREMENTS.

a. Contracting officers shall provide for full and open competition in soliciting offers and awarding government contracts, except in certain situations as stated in statutes and regulations. "Full and open competition," when used with respect to a contract action, means that all responsible sources are permitted to compete.

b. Each request for other than full and open competition must be supported with a justification in the form of a memorandum attached to the purchase request or procurement package that is submitted to IBO-C. Technical and requirements personnel must certify that the data provided to support their recommendation for other than full and open competition is accurate and complete.

c. The thresholds and requirements for approval of a determination to use other than full and open competition vary; therefore, the requesting activity will work closely with IBO-C in developing these requirements. If the requirement is \$100,000 or less, contact the Purchasing Division; if the total cost of the requirement (including options) is more than \$100,000, contact the

Contracting Division for assistance.

8. CONTRACT ADMINISTRATIVE LEAD TIME (CALT). CALT begins on the date a complete and valid procurement package is received in the IBO-C and ends when the procurement is awarded. CALT may vary with each procurement. The exact amount of lead time that will be required to complete any individual procurement cannot be determined. However, adequate lead time can be estimated and, in general, is dependent upon the dollar amount and the nature of the proposed procurement. CALT shall be suspended when inadequate procurement packages are returned for correction, clarification, or additional funding. CALT goals are stated in Appendix B.

9. FORMAL SOURCE SELECTION.

a. Formal source selection means a structured, compartmented process for evaluating proposals and selecting the source for award. The purpose of the organization is to accomplish proposal evaluation, comparative analysis, and source selection. Formal source selection procedures shall be used for all competitive, negotiated acquisitions when the Source Selection Authority (SSA) is other than the Contracting Officer. The SSA is the official designated to direct the source selection process and make the source selection decision.

b. The FORSCOM Commander has delegated the authority to appoint Source Selection Authorities to the Installation Commander. This authority cannot be redelegated.

c. When formal source selection procedures are used, a senior military or civilian is appointed to function as the SSA. This individual is supported by a Source Selection Evaluation Board (SSEB) composed of legal, technical, management, pricing specialists and advisors.

d. The IBO-C will function as the advisor/action office for the Installation Commander as follows:

(1) Identify procurements that are candidates for formal source selection procedures.

(2) Identify skills required and recommend candidates for appointment as source SSA and recommend composition of SSEB.

(3) Identify basic criteria to be employed in evaluating proposals.

(4) Develop milestones for the major events in the source selection process.

XVIII Abn Corps and Fort Bragg 715-1

(5) Perform necessary administrative functions such as preparation of appointment letters, training for SSA and SSEB members.

10. GOVERNMENT ESTIMATES.

a. All construction requirements estimated to exceed \$2,000 will be accompanied by an Independent Government Estimate (IGE) of construction cost prepared in sufficient detail and accuracy as if the government were competing for award. The IGE must be documented to show the methodology and sources used to compute the estimated cost. The IGE will be submitted with the initial requirements as they are effected. Government estimates will be marked "FOR OFFICIAL USE ONLY" and submitted in a sealed envelope appropriately marked to identify the procurement to which it pertains.

b. All requests for supply and service contracts will be supported by an IGE prepared to the same level of detail and accuracy as contracts the Government competes for award. The IGE must consider and include costs for all required contract periods (Base and all Option Periods) and shall also include a narrative explanation of the methodology applied, reasons for using the methodology applied, and basis and sources of proposed costs.

c. Proposed modification of existing contracts will be supported by an IGE prepared in sufficient detail and accuracy for use in evaluation of contractor's proposal. The IGE must consider and include costs for all required contract periods (Base and all Option Periods) and shall also include a narrative explanation of the methodology applied, reasons for using the methodology applied, and basis and sources of proposed costs.

d. Refer to para a, b, and c above when the contractor's proposal/bid varies more than 15% from the IGE. The requesting activity will be required to furnish an explanation to the IBO-C point of contact to resolve the variance prior to execution of the applicable document.

11. IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST.

a. Government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none. Transactions relating to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct. The general rule is to strictly avoid any conflict of interest or even the appearance of a conflict of interest in government-contractor relationships. While many federal laws and regulations place restrictions on the actions of government personnel, their official conduct must, in addition, be such that they would have no reluctance to make a full public disclosure of their actions.

XVIII Abn Corps and Fort Bragg Reg 715-1

b. As a rule, no government employee may solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who (a) has or is seeking to obtain government business with the employee's agency, (b) conducts activities that are regulated by the employee's agency, or (c) has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. Certain limited exceptions are authorized in agency regulations.

c. A Contracting Officer shall not knowingly award a contract to a government employee or to a business concern or other organization owned or substantially owned or controlled by one or more government employees. This policy is intended to avoid any conflict of interests that might arise between the employees' interests and their government duties, and to avoid the appearance of favoritism or preferential treatment by the government toward its employees. An exception to this policy may be made only if there is a most compelling reason to do so, such as when the government's needs cannot reasonably be otherwise met.

d. Contracting Officers and other designated representatives, such as IMPAC cardholders, are the only personnel in this command with the authority to contact commercial firms for the purpose of ordering supplies or services or otherwise discussing any aspect of a proposed procurement. Requiring activities are allowed to conduct market research for determining whether an item/service is commercial and establishing government estimates. Vendors shall be advised that this is a market survey. The results of the market survey should be attached to the purchase request upon submittal to IBO-C.

e. Further information is contained in the Federal Acquisition Regulation (FAR) and its supplements, and DOD Directive 5500.7-R, Joint Ethics Regulation.

12. INTERNATIONAL MERCHANT PURCHASE AUTHORIZATION CARD (IMPAC).

This is a commercial purchase card service available to all Directorates/ Commanders on Fort Bragg. With this service, individuals at the unit level are issued a purchase card and delegated authority to buy supplies and services, up to \$2500 and construction up to \$2000 per transaction. The card service must be requested from Purchasing Division, IBO-C. Instructions for the IMPAC are published in XVIII Abn Corps and Fort Bragg Regulation 715-3.

13. LEASE VS PURCHASE.

a. There are situations when the government's requirement may be more economically filled by lease than by purchase. The decision to lease rather than purchase must be made on a case-by-case basis and should be used when it is in the government's best interest.

XVIII Abn Corps and Fort Bragg 715-1

b. Each request for lease forwarded to the IBO-C will include a cost analysis and justification. The cost analysis and justification must include a cost study demonstrating it is more economical for the government to lease than to purchase. The study consists of a calculation comparing lease, maintenance and operational costs for leased equipment with amortized purchase expense, and maintenance and operational costs for purchased equipment. The comparison also includes a written justification as to the basis for estimated costs applied, i.e., obtained through market survey with multiple vendors, taken from previous procurements, based on published price list, etc.

c. There are times when it may be necessary to lease even though analysis shows the purchase to be less costly. In these instances, the request must fully document the reasons for lease in lieu of purchase.

14. LOAN OF EQUIPMENT OR SERVICES FROM COMMERCIAL VENDORS (NO COST AGREEMENT).

a. The practice of accepting equipment or services from vendors on a "no cost" or "trial" basis for evaluation is strongly discouraged because of the potential for abuse in terms of non-competitive procurement practice, inequitable treatment of potential offerors in a resulting competitive procurement, and creating a situation where the government may be liable. When equipment or services are supplied by vendors without an agreement or when no cost agreements are supplied by these vendors, an obligation by the government to pay certain hidden costs may arise. Normally, the existence of these costs can only be determined by government contract or legal personnel.

b. In the event a government employee does accept equipment or services which obligate the government to pay any funds not yet appropriated for this purpose, both an unauthorized commitment (See Para 17) and a possible violation of the Anti-Deficiency Act has probably occurred. A violation of the Anti-Deficiency act is a felony which carries a maximum jail term of two (2) years or a \$5,000 fine, or both. Not only is the violator subject to criminal penalties, but adverse personal action can be taken to include suspension from duty without pay or removal from office.

c. All requests for acceptance of equipment or services on a no cost basis shall be forwarded to the IBO-C for issuance of a no cost agreement prior to acceptance of equipment or services. Off-the-shelf commercial ADP equipment shall not be accepted on a trial basis without the concurrence of the Installation Technology Business Center (ITBC) and a no cost agreement issued by IBO-C.

15. ORDERING OFFICERS.

a. The authority to appoint Ordering Officers for contingency

XVIII Abn Corps and Fort Bragg Reg 715-1

operations and training exercises is delegated to the Director of IBO-C without power of redelegation. Ordering Officer acquisition support should be requested only after determining that: (1) the IMPAC card is not adequate; (2) the 1st COSCOM or 82d Abn Division's Contracting Office cannot provide acquisition support; or (3) local contracting support is not available when the exercise is conducted on or near another military installation.

b. Procedures for requesting Ordering Officers are published in XVIII Abn Corps and Fort Bragg Reg 37-2. For non-emergency requirements, the required documents should be provided to the IBO-C three workdays prior to departure of the ordering officer. All emergency requirements will be processed immediately. The IBO-C will brief the Ordering Officer and Class A Agent together when the ordering officer appointment is issued. The potential for abuse is reduced when both parties are familiar with the requirements and prohibitions associated with spending government funds.

16. PROCUREMENT FRAUD AND FRAUD, WASTE, AND ABUSE. Instances where anyone suspects a government employee, contractor, or contractor employee of fraud, waste, or abuse should be reported to the Procurement Fraud Advisor or Contracting Officer. If you cannot reach either of these persons, you may contact the Criminal Investigation Division or the Inspector General's Office. The Procurement Fraud Advisor (PFA) is an attorney assigned those duties by the Office of the Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg. In serious incidents, the Procurement Fraud Coordination Appendix, which is attached as Appendix C, will be implemented and a Procurement Fraud Coordinating Committee Case Management Team will meet. The Case Management Team will be composed of investigative personnel and personnel of the affected command or directorate.

17. UNAUTHORIZED COMMITMENT (UAC) AND RATIFICATION.

a. Definitions.

(1) Unauthorized commitment means an agreement that is not binding solely because the government representative who made it lacked the authority to enter into that agreement on behalf of the government.

(2) Ratification means the act of approving an unauthorized commitment by an official who has the authority to do so.

b. Policy. Agencies should take positive action to preclude the need for ratification actions. Although procedures are provided in this section for use in those cases where the ratification of an unauthorized commitment is necessary, these procedures are not to be used in a manner encouraging such commitments by government personnel.

XVIII Abn Corps and Fort Bragg 715-1

c. Procedures. Anyone suspecting that an unauthorized commitment has been made should contact a Contracting Officer in the IBO-C. Requests to ratify unauthorized commitments will be processed using FORSCOM Form 121-R. Use of this seven part form involves the following sequence of events:

(1) Upon determining that an unauthorized commitment has been made, the Contracting Officer will forward a memorandum to the unit/activity transmitting FORSCOM Form 121-R for completion.

(2) The individual making the unauthorized commitment shall complete Items 1-5, Part I, Section A, of the form and forward it to their immediate supervisor.

(3) The immediate supervisor will complete Item 6, Part I, Section A, and forward all the information to the first Colonel or equivalent in the individual's chain of command.

(4) The Unit Commander, Director, or Activity Chief (first Colonel or equivalent in the individual's chain of command) will complete Part I, Section B.

(a) Ratification actions require a face-to-face interview between the individual and the first Colonel or equivalent in the individual's chain of command.

(b) In unusual circumstances if the individual committing the unauthorized commitment is more than 50 miles from the interviewer, the face-to-face may be conducted telephonically when the unauthorized commitment is less than \$2,500.

(c) The interviewer (first Colonel or equivalent in the individual's chain of command) will describe the special remedial corrective action and/or disciplinary action taken, and the action taken to prevent recurrence of the unauthorized act. Documentation of the interview will be attached to the FORSCOM Form 121-R. This responsibility is not delegable.

(5) The Concurring Official shall complete Part II, when the unauthorized commitment is \$100K or more.

(a) Unauthorized commitments made by individuals in the chain of command of the Installation Commander will forward the FORSCOM Form 121-R through command channels to the Installation Commander for concurrence/nonconcurrence of the recommended corrective action. This responsibility is not delegable.

(b) Unauthorized commitments made by individuals in tenant or satellite organizations will forward the FORSCOM Form 121-R through command channels to the first General Officer or Senior Executive System (SES) in the individual's chain of command for

XVIII Abn Corps and Fort Bragg Reg 715-1

concurrence. For the Reserve Component, the Major U.S. Army Reserve Command (MUSARC) Commander is designated as the concurring official for ratification actions up to \$25,000. The MUSARC Commander is the concurring official for actions over \$25,000. The concurrence responsibility is not delegable.

(c) The concurring official will forward FORSCOM Form 121-R to the supporting contracting office of the unit committing the unauthorized commitment.

(6) The Contracting Officer will complete Parts III, IV, and Section B of Part V, following the steps outlined in Part IV. The legal opinion from the OSJA as to the appropriate disposition of the action shall be obtained in Section A of Part V.

(7) The IBO-C will take appropriate action for approval or other processing as required.

(a) The IBO-C forwards two copies of all actions in excess of \$25,000 along with FORSCOM Form 121-R to HQ FORSCOM. Actions will be approved by the Commanding General, FORSCOM. The concurring official, as designated in paragraph c(5) above, may be requested to provide details to the Principal Assistant Responsible for Contracting (PARC) and Commanding General in a face-to-face meeting.

(b) IBO-C will submit a quarterly report of UACs below \$25,000 to the concurring officials identified in paragraph a(2) above and the Garrison Commander. The report will list the nature of each UAC, the dollar value, the unit involved, and final disposition. Concurring officials, as part of UAC prevention, are encouraged to share information with senior officials within their chain of command on significant trends or individual UACs.

(8) Original documents must be retained in the contract file.

(9) Any situations requiring clarification on exceptional cases for determination of concurring official or other guidance will be forwarded for resolution to the FORSCOM PARC.

18. UNSOLICITED PROPOSALS. All unsolicited proposals will be referred to IBO-C for proper processing under the Federal Acquisition Regulation, Subpart 15.5. Vendors, inventors, researchers, and others often desire to do business with the government through contact with individuals or activities that may have a need for the product, service, or concept being promoted. To avoid giving a particular vendor an advantage over competitors, recipients of such contacts will coordinate with IBO-C before undertaking discussions. As required, the matter will also be coordinated with OSJA to ensure that proprietary data is protected and discourage a vendor from

XVIII Abn Corps and Fort Bragg 715-1

undertaking costly efforts prior to determination that a requirement exists.

19. WARRANTIES. A warranty clause gives the government a contractual right to assert claims regarding the deficiency of supplies or services furnished. It should be used **only** when it can be enforced and the potential increase in contract price is outweighed by protection afforded the government. Requirements containing warranty provisions, other than commercial warranties as a customary trade practice or warranties for construction contracts, must be supported with a justification by the requesting activity. Any request for enforcement of a warranty clause must be submitted in writing to the Contracting Officer.

20. EMERGENCY SUPPORT. (Outside Normal Duty Hours) - In the event you have a requirement which cannot be obtained by your IMPAC Credit Card, or you have a desperate need to contact a contractor, IBO-C has an "On-Call" roster of personnel available to assist you. Contact the Corps Staff Duty NCO at 396-6100 who will contact the IBO-C "On-Call" person who will then contact you. We will attempt to meet your need if at all possible.

21. IBO-C HOME PAGE. For further assistance in processing procurement actions you can access the IBO-C Home Page at www.bragg.army.mil/www-doc/index.htm.

(AFZA-DC-S/Tel 6-9216)

FOR THE COMMANDER:

OFFICIAL:
JOHN R. VINES
Brigadier General, GS
Chief of Staff

//s//
CARL PRANTL, JR.
LTC, SC
Director, Information Technology Business Center

CF:
HQ FORSCOM, ATTN: AFLG-PR

XVIII Abn Corps and Fort Bragg Reg 715-1

APPENDIX A

ITEMS AND SERVICES REQUIRING ADMINISTRATIVE APPROVAL

<u>Item/Service</u>	<u>Approving Activity</u>
Advertising in Newspaper on DD Form 1535	GC/Activity Commander
Automatic Data Processing Equipment, Cellular Telephones, Facsimile Equipment, Modems, Non-tactical with DCIS Radio Equipment, and Two-way Radio Equipment	ITBC
Carpet and Carpet Installation, Custodial Services, Modification of Real Property, Relocatable Storage/Office/Classroom Buildings	PWBC
Commercial Non-Standard Equipment and Supplies	IBO-Resource Management
Copiers, Non-Standard Filing Equipment, Pagers, Voice Messaging Devices	ITBC
Crests and Insignia	Institute of Heraldry
Maintenance of Equipment	Installation Material Maintenance
Printing	Defense Printing Service
Rental of Vehicles If Greater than 30 Days	Installation Transportation Division
Training Requirements for Military Personnel or Commander/Director for Civilian Personnel	RBC Training Division
Audio/Visual Items OMA (non-expendable) over \$2,500.00	RBC, Training Support Branch

XVIII Abn Corps and Fort Bragg 715-1

APPENDIX B
 CONTRACT ADMINISTRATIVE LEAD TIME (CALT)

CALT GOAL (Calendar Days)

TYPE OF ACQUISITION	\$0- \$2,000
Construction	IMPAC

TYPE OF ACQUISITION	\$0- \$2,500
Supplies	IMPAC
Services	IMPAC

TYPE OF ACQUISITION	\$2,501- \$100,000 over \$100,000
Supplies	8 days 120 days
Service	12 days 150 days
Construction	\$2,000- \$100,000 150 days 30 days

TYPE OF ACQUISITION	\$2,501 \$100,000 over \$100,000
Negotiated:	
Supplies	200 days
Services	235 days
Construction	200 days
Commercial Activities	
Single Function	345+ days
Multiple Function	560+ days

XVIII Abn Corps and Fort Bragg Reg 715-1

APPENDIX C
XVIII AIRBORNE CORPS AND FORT BRAGG
PROCUREMENT FRAUD COORDINATION

1. Handling procurement fraud requires a multidisciplinary approach. Therefore, legal, contracting, and investigative personnel shall form procurement fraud coordinating activities to support the command in handling fraud cases. Procurement fraud coordinating committees serve as effective vehicles for implementing a fraud abatement program. Such committees should be composed of designation points of contact for each major organization within the installation. Where organizations have designated points of contact with responsibility for fraud matters, communication is enhanced. First, personnel know where to obtain information; inquiries are not shuffled from office to office. Second, it is not necessary to convince people on the importance of the program with every new case; a designated point of contact should be aware of its importance. Third, personnel who work continuously with the procurement fraud program gain the experience to take swift and effective action.

2. The Procurement Fraud Advisor (PFA) is responsible for management, oversight, and operation of the procurement fraud program. The PFA has ultimate responsibility and decision-making authority on handling a procurement fraud case at the installation level. PFAs must have a working knowledge of procurement law, criminal law, civil litigation, and familiarity with the relationship between various Government agencies in the acquisition and white collar crime areas. Formal training in these areas is encouraged. PFAs should avail themselves of technical in-house training.

3. Cases of procurement fraud will be handled expeditiously on all levels; civil, criminal, administrative, and contractual. The PFA will telephonically advise the MACOM Procurement Fraud and Irregularities (PFI) Coordinator of significant case developments at the earliest practical opportunity. An effective working relationship is necessary between PFAs and all major organizations, particularly investigators, U.S. Attorneys, and auditors. Memorandum of Understanding may be executed where appropriate between these organizations and PFAs but they must be approved by PFI coordinators.

4. PFA Responsibilities.

a. Case management - initiation.

(1) Informal sources of information.

(a) Reports from persons or organizations within the command (e.g., procurement/contracting office, product assurance, facility engineering, internal review).

(b) Whistleblowers (either government or contractor).

XVIII Abn Corps and Fort Bragg 715-1

(2) Formal Sources of Information.

(a) Reports from investigative agencies, such as the Defense Criminal Investigative Service, USACIDC, or the FBI.

(b) Reports from auditing agencies, such as the Army Audit Agency, the Defense Contract Audit Agency, or the General Accounting Office.

(c) Inquiries from higher headquarters.

(3) Processing Information from Informal Sources.

(a) Information from informal sources should be reduced to writing, either by the sources or by the PFA, with as much specificity as possible. At a minimum, the information recorded should be sufficient to prepare a Procurement Fraud Flash Report.

(b) Assess the information provided to determine whether there are any violations of statute, regulation, policy, or contractual obligations.

(c) If referral to USACIDC due to criminal violations is not warranted, the PFA will refer the matter to the appropriate command organization for resolution (e.g., the procuring Contracting Officer or the IG). The PFA will document the file outlining the reasons why referral is unwarranted. The PFA will in all cases advise the Special Assistant U.S. Attorney of the matter and seek advice as to whether referral to USACIDC or another investigative agency is appropriate.

(d) If referral to USACIDC is warranted, the PFA will forward assessment to USACIDC, identify, in consultation with the Contracting Officer, appropriate command elements to participate in a Case Management Team, assemble the members of the Case Management Team (including the investigative agent) for the purpose of discussing procedures and to determine the validity of the allegations, and initiate a Procurement Fraud Flash Report through MACOM to HQDA (DAJA-PF).

(4) Processing Information from Formal Sources.

(a) Information from formal sources should be assessed to determine violations of statute, regulation, policy or contractual obligations.

(b) If criminal investigation is warranted and the matter has not yet been referred, refer the matter to USACIDC. If criminal investigation is unwarranted, refer to 5a(3)(c) above.

XVIII Abn Corps and Fort Bragg Reg 715-1

(c) Assemble Case Management Team as in 5a(3)(d) above.

(d) Initiate Procurement Fraud Flash Report as in 5a(3)(d) above.

b. Case Management - Coordination.

(1) Initiate Remedies Plan as required by AR 27-40, Litigation, Chapter 8.

(2) If appropriate, develop reports in accordance with Department of Defense Federal Acquisition Regulation Supplement (DFARS) 9.406-3.

(3) Review cases every 30 days, at least.

(4) If appropriate, initiate a civil recovery report (See AR 27-40, Litigation, Chapter 8).

(5) Following referral of the matter for civil, criminal, or administrative remedies, the PFA will assist the cognizant organization (DA, Department of Justice (DOJ), Assistant U.S. Attorney) in the pursuit of that remedy. This may include preparing pleadings discovery, motion practice, or negotiating settlement agreements. Prior to any contractual or administrative action being taken in a matter where there is a DOJ attorney/Assistant U.S. Attorney assigned, coordination will be accomplished with the MACOM PFI coordinator, DAJA-PF, and the DOJ attorney/Assistant U.S. Attorney.

c. Case Management - Reporting. Duplication of reported information will be avoided whenever possible. The two primary reports are as follows:

(1) Procurement Fraud Flash Reports.

(a) Prepared in accordance with AR 27-40, Litigation, Chapter 8.

(b) Copies will be simultaneously transmitted to DAJA-PF and the MACOM PFI coordinator.

(2) DFARS 9.406-3 report - suspension/debarment. Consult this paragraph of the DFARS for a list of items required in each report.

5. Training and Awareness.

a. Annual training in procurement fraud will be mandatory for all organizational elements involved in procurement activities.

XVIII Abn Corps and Fort Bragg 715-1

b. Training will be conducted as a part of Contracting Officer Representative (COR) Training Classes conducted by the IBO-C and will combine Procurement Fraud, Procurement Integrity, and Standards of Conduct. Additionally, Public Works Business Center (PWBC) and Readiness Business Center (RBC) inspection personnel and CORs will, as a part of their annual Standards of Conduct training, receive training in Procurement Integrity and Procurement Fraud.

c. Other awareness measures may also be implemented such as fraud awareness posters or distribution of any DOD IG fraud related publications.