

**INSPECTOR GENERAL
PUBLICATIONS SYSTEM TRANSMITTAL**

NUMBER	TITLE	DATE
IGDINST 4205.1 Change 1	Acquisition Policy and Procedures Program	February 12, 2001 2002

ATTACHMENTS
Pages 1, 4, 9, 18, 21, and 23

INSTRUCTIONS FOR RECIPIENTS.


The following changes to IGDINST 4205.1, "Acquisition Policy and Procedures Program," March 23, 2001, are authorized.

Page Inserts

Remove pages 1, 4, 9, 18, 21, and 23 and insert attached replacement pages. Changes are indicated by marginal lines.

The revised document will be posted on the OIG Intranet.

FOR THE INSPECTOR GENERAL:


Joel L. Leson
Director
Office of Administration
and Information Management

Attachment

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT.



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-2884

March 23, 2001 |

INSPECTOR GENERAL INSTRUCTION 4205.1

SUBJECT: Acquisition Policy and Procedures Program

References: See Appendix A.

A. Purpose. This Instruction establishes policies, responsibilities, and procedures for the procurement of goods and services to include supplies, equipment, publications, furniture, and information technology hardware and software for the Office of the Inspector General, Department of Defense (OIG, DoD).

B. Applicability. This Instruction applies to Offices of the Inspector General, the Deputy Inspector General, the Assistant Inspectors General, Director of Administration and Information Management, Director of Departmental Inquiries, Director of Intelligence Review, and Deputy General Counsel (Inspector General), which is provided support by the OIG, DoD. For purposes of this Instruction, these organizations are referred to collectively as OIG components.

C. Scope. The OIG, DoD, will manage the acquisition process in accordance with public laws and Government-wide and DoD policies and regulations, to include other referenced information. By Memorandum of Understanding between the OIG, DoD, and the Defense Supply Services-Washington (now the Defense Contracting Command-Washington (DCC-W), reference a, the DCC-W shall provide contracting support for the OIG, DoD. These requirements may be processed manually or routed through the DCC-W Defense Automated Requirements Tracking System (DARTS), or its replacement. The procedures and guidelines in the DCC-W Acquisition Guide, reference b, shall be used for OIG, DoD, contracting actions processed under the authority of the DCC-W. The Guide is posted at <http://dccw.hqda.pentagon.mil/>. The OIG, DoD, will use procedures in reference c to contract for requirements that can be more efficiently and effectively procured through other contracting activities.

D. Definitions. See Appendix B.

E. Policy. It is OIG, DoD, policy to make acquisitions competitively to the utmost extent possible. Should other than full and open competition be required, a justification and approval document must be prepared and properly certified by the OIG component requesting the purchase. Goods and services will not be acquired unless proper justification and documentation are provided that confirms the requested item(s) are essential and are the most cost-effective means for satisfying the mission requirement. The OIG, DoD, personnel are not to commit the Government to any contractor or vendor for the delivery of any goods or services in advance of a formal contract signed by a duly appointed contracting officer. Individuals making such a commitment could become personally liable for the cost of the goods or services and may be subject to appropriate disciplinary action. The Government Purchase Card will be used to the maximum extent possible to purchase items costing less than the micropurchase threshold (currently \$2,500).

F. Responsibilities

1. The **Inspector General** shall:

a. Designate the Director, Office of Administration and Information Management (OA&IM), as the official responsible for:

- (1) Administering the Acquisition Policy and Procedures Program for the OIG, DoD.
- (2) Appointing Certifying Officers, Accountable Officials, Review Officials, Investigating Officers (IO) or an Investigating Board of Officers (IBO), and Technical Advisors (if considered necessary).
- (3) Approving all purchase requests for requirements valued greater than \$100,000 and all purchase requests for procurement of temporary personnel.

2. The **Director, OA&IM**, shall:

a. Be responsible for overall management and administration of the Acquisition Policy and Procedures Program for the OIG, DoD, including OIG, DoD, implementation of the Government Purchase Card Program as established in reference d. This responsibility includes ensuring that:

- (1) Sufficiently trained and experienced officials manage and oversee the contract administration function.
- (2) A system of internal controls is in place to safeguard the acquisition process within the OIG, DoD.
- (3) Policies and procedures governing the acquisition and procurement of goods and services are established, maintained, and evaluated.

b. Approve agreements between the OIG, DoD, and other DoD components for contracting support.

c. Appoint, in writing, qualified Certifying Officers, Accountable Officials, Review Officials, IOs or IBOs (when required), and Technical Advisors (if considered necessary). (See Figures 1 through 6, pages 11 through 17.)

(1) A Certifying Officer should be a supervisor and will have the following minimum qualifications as determined by Volume 5, Chapter 33, Paragraph 3304 of reference e:

- (a) Knowledge of the subject matter.
- (b) Background or experience in the preparation of a voucher for payment.
- (c) Knowledge of appropriations and other funds and accounting classifications.
- (d) Knowledge of payment process (e.g., availability of funds and location of designated paying and accounting offices).

d. Convene or order an investigation in accordance with Volume 5, Chapter 6, and Appendix C of reference e when notified by a Review Official of charges against an Accountable Official or Certifying Officer.

e. Review and approve, as appropriate, all purchase requests for requirements valued greater than \$100,000 and all purchase requests for procurement of temporary personnel.

3. The **Director, Administration and Logistics Services Directorate (ALSD), OA&IM**, shall:

a. Direct and administer the Acquisition Policy and Procedures Program for the OIG, DoD, including the development of appropriate policy guidance and internal controls.

b. Obtain contracting support for the OIG, DoD, as appropriate, from other DoD components, prepare support agreements that define responsibilities and procedures, and establish controls to ensure compliance with the OIG, DoD, responsibilities addressed in the support agreement(s).

c. Procure and maintain an automated procurement system compatible with the automated procurement system of the DoD component providing contracting support to the OIG, DoD.

d. Review and forward to the Director, OA&IM, for approval, as appropriate, all purchase requests for requirements valued greater than \$100,000 and all purchase requests for procurement of temporary personnel.

e. Approve the OIG Procurement Performance Measurement Plan and related reporting requirements.

f. Perform periodic compliance reviews to ensure that supervisors of Accountable Officials and Certifying Officers are providing training and to ensure that all are complying with established regulations, policies, and procedures.

g. Report on overall status of acquisition activity in the Annual Statement of Internal Control Assurance to the Director, OA&IM.

h. Oversee the establishment of an invoice tracking system for the validation of unliquidated contractual obligations.

4. The **Director, Financial Management Directorate, OA&IM, or designee** shall:

a. Sign all procurement requests certifying that proper appropriation data is cited and that funds are available to support the request.

b. Maintain financial documentation for OIG, DoD, contractual obligations.

c. Review and present acquisition requirements with other budget requirements to the Inspector General, DoD, for approval of the agency budget submission.

d. Assist the Director, ALSD, OA&IM, in establishing and maintaining an invoice tracking system (database containing information on contract performance periods, required delivery dates, contractor invoices and deliveries, and Defense Financial Accounting System (DFAS) payments on contracts) for the validation of unliquidated contractual obligations.

5. The **Director, Information Systems Directorate, OA&IM**, shall identify requirements for the acquisition of Information Technology (IT) resources in accordance with reference f.

6. The **Chief, Logistics Services Division, ALSD, OA&IM**, shall:

- a. Develop the OIG Procurement Performance Measurement Plan and related reporting requirements and meet quarterly with the DoD component(s) providing contracting support to discuss workload plans, productivity, procurement administrative costs and lead time, cost-to-spend ratio, and process improvements.
- b. Review all procurement requests for supplies, equipment, publications, furniture, and services, and determine the method of procurement that will best meet the needs of the requesting OIG component.
- c. Develop and maintain an inventory of OIG, DoD, service contracts to improve procurement planning.
- d. Approve all purchase requests for requirements valued under \$100,000 and justification and approval documents for all noncompetitive procurements.
- e. Verify that contract actions for the OIG, DoD, have received appropriate legal and technical reviews and that contract actions are reported into the Defense Contract Action Data System (DCADS), the DoD feeder system for the Federal Procurement Data System (FPDS), by the contracting organization.
- f. Establish procedures for tracking delivery of procured items and for receipt, inspection, and submission of receiving reports for all deliverables.
- g. Maintain a list of OIG, DoD, Accountable Officials and Certifying Officers, determine the appropriate training, and verify that supervisors provide training and periodic review or inspection of actions taken by the officials under their supervisory control.
- h. Develop the OIG Procurement Performance Measurement Plan; specifically, establish a cost to spend ratio for OIG, DoD, contracting requirements, establish performance goals, and benchmark actual performance against other organizations.
- i. Establish and maintain an invoice tracking system (database containing information on contract performance periods, required delivery dates, contractor invoices and deliveries, and DFAS payments on contracts).
- j. Use the DARTS or its replacement as the primary means for coordinating internal acquisition requirements to the DCC-W Contracting Directorate and be responsible for all contractual documentation.
- k. Coordinate and administer the OIG, DoD, Commercial Purchase Card Program as established in reference d. (The OIG, DoD, Commercial Purchase Card Program will operate as an extension of DCC-W's contracting authority.)

7. The **designated Contracting Officer**, shall:
 - a. Advise on acquisition strategies and alternatives.
 - b. Conduct market research.
 - c. Provide assistance in the preparation of justification and approval documents for OIG, DoD, noncompetitive procurements.
 - d. Provide advice in the preparation of Statements of Work (SOW).

- e. Document in the contract file, as appropriate, that contracts for non-governmental services are nonpersonal and include procedural controls to avoid administrative conversion to personal services contracts.
- f. Publicize forthcoming acquisitions and arrange and conduct pre-proposal conferences, as appropriate.
- g. Request and consider the advice of specialists in audit, law, and other fields, as appropriate.
- h. Obtain wage rate determinations for contract requirements subject to reference g.
- i. Prepare the solicitation document and issue and amend solicitations.
- j. Determine the competitive range, conduct negotiations with responsive and responsible offerors, and determine the successful offeror if a source selection authority is not designated.
- k. Award and sign contracts for the OIG, DoD, and modify contracts.
- l. Manage contracts and delegate certain contract administration functions to contracting officer-appointed representatives.
- m. Input contract actions, as appropriate, into the FPDS feeder system in a timely fashion.
- n. Manage contracts and delegate certain contract administration functions to designated contracting officer-appointed representatives. Delegated contract administration functions include monitoring the contractor's technical schedule and cost performance against contract specifications, scheduling any Government activities required by the contract, performing acceptance of contract deliverables for the Government, and preparing contractor performance evaluations.
- o. Designate Contracting Officer's Representatives (COR) and issue formal COR Appointment Letters delineating the specific responsibilities and limitations of authority. (See Figure 7, page 18.)
- p. Provide data and assistance to the Director, ALSD, OA&IM, in maintaining an invoice tracking system (database containing information on contract performance periods, required delivery dates, contractor invoices and deliveries, and DFAS payments on contracts).

8. The **designated COR** shall:

- a. Represent the Contracting Officer for all technical matters that arise during the life of the contract and document all contractually required actions. Specifically, the following is required.
 - (1) Be familiar with the terms and conditions of each assigned contract.
 - (2) Remain cognizant of the contractor's technical efforts and progress and discuss these matters with him or her, as appropriate.
 - (3) Respond to the contractor's inquiries on purely technical aspects of the contract.
 - (4) Exercise appropriate surveillance of the contractor's performance to be reasonably assured that the contractor is not using inefficient or wasteful methods under a cost reimbursement contract.

(5) Review the contractor's progress reporting to determine if technical and/or physical progress is commensurate with the level of expenditures.

(6) Advise the Contracting Officer of any unusual problems affecting the progress or cost of the contract.

(7) As appropriate, inspect the supplies/services delivered for conformance with the contract work statement and specification requirements and accept or reject for cause.

b. Not redelegate any authority to any other person.

c. Not change any of the terms or conditions of a contract or sign any modification to a contract.

d. Not obligate the payment of any money by the Government.

e. Not cause the contractor to incur costs not otherwise covered by the contract with the exception that such costs will be reimbursed by the Government.

f. Contact the Contracting Officer for guidance and clarification, as appropriate, regarding COR duties, responsibilities, and extent of authority.

g. Forward to the Contracting Officer a copy of trip reports, conference reports, and a copy of all correspondence initiated by the COR to the contractor, including memoranda of verbal discussions of a significant nature.

h. Maintain a file for each contract assigned, turn over the files to approved replacements when the COR is replaced by another COR, and turn over the files to the Contracting Officer upon completion of the contract.

i. Attend and satisfactorily complete all required training courses established for CORs.

j. Be aware that he/she may be personally liable for unauthorized acts.

9. The **OIG Components** shall:

a. Determine and document acquisition planning needs for all actions over \$25,000 to include identifying for a proposed investment quantifiable measures for determining the net benefits and risks of the investment and milestones for measuring progress in terms of cost, timeliness, and quality.

b. Prepare related budget proposals.

c. Prepare SOWs, as necessary, submit requirements for goods and services via the designated system, and monitor the status of each purchase request.

d. For service contracts, accurately describe the need to be filled, or problem to be resolved, in a manner that ensures full understanding and responsive performance by contractors and for requirements for private sector temporary personnel, complete the checklist at Appendix C.

e. Not change (add, delete, or modify) any contract term, condition, or requirement, or take any action that might appear to effect change. The contracting officer alone has such authority (which must be in writing).

10. The **Certifying Officer(s)** shall be held to a standard of strict liability, as discussed in Volume 5, Appendix C, paragraph D of reference e, and be responsible for:

- a. Information stated in a voucher, supporting documents, and records.
- b. Computation of a certified voucher under references h and i.
- c. Legality of a proposed payment under the appropriation or fund involved by affixing a manual, electronic, or digital signature to a voucher.
- d. Providing advice to Accountable Officials.
- e. Seeking advance decisions under reference j from the DoD Office of Deputy General Counsel (Fiscal), or designee.
- f. Repaying a payment:
 - (1) that is determined to be illegal, improper, or incorrect because of an inaccurate or misleading certificate;
 - (2) that is determined to be prohibited by law; or
 - (3) that does not represent a legal obligation under the appropriation or fund involved.
- g. Establishing pre-payment review and sampling plans.
- h. Notifying the appropriate internal review or legal office when a proposed payment is identified as being of questionable legality, propriety, or correctness.
- i. Acknowledging acceptance of his or her appointment as a Certifying Officer and completing DD Form 577, Signature Card (Figure 8, page 19).

11. The **Accountable Official(s)** shall:

- a. Comply with all applicable DoD regulations, policies, and procedures, including local standard operating procedures.
- b. Support their respective certifying officers with timely and accurate data, information, and/or service to ensure proper payments, i.e., payments that are supportable, legal, and computed correctly.
- c. Request advice from a Certifying Officer in a doubtful matter within the Accountable Official's responsibilities upon which the Certifying Officer will rely in making certification of an entitlement to payment, a document for payment, or other information/data associated with a payment.
- d. Take timely action in response to inquiries initiated by a review official with regard to possible or actual erroneous payments.
- e. May be subject to disciplinary/adverse action for failure to carry out his or her assigned duties in an acceptable manner.
- f. Sign an acknowledgement letter accepting his or her designation.

12. The **Supervisor(s) of Certifying Officers and Accountable Officials** shall:

a. Provide training, including initial training for new personnel and periodic refresher training for other personnel.

b. Periodically review the actions of all Certifying Officers and Accountable Officials under their supervisory control to ensure compliance with established regulations, policies, and procedures, including any local standard operating procedures.

13. The **Review Official(s)** shall:

a. Be appointed coincident with the appointment of a Certifying Officer.

b. Conduct pre- and post-payment reviews of payments certified by the Certifying Officer in accordance with Volume 5, Chapter 33, of reference e.

c. Not serve concurrently as an Accountable Official, or as a Certifying or Disbursing Officer.

d. Not be in the supervisory chain of command of a Certifying Officer or Disbursing Officer.

e. Issue inquiries regarding questionable proposed or actual payments.

f. Maintain a file of all inquiries resulting from the review process.

g. Ensure that all inquiries are resolved within 30 calendar days from the date of an inquiry.

h. Maintain a file of all charges and close such files only upon final disposition.

i. Notify the Inspector General, DoD, via the Deputy Inspector General whenever charges are made against an Accountable Official or a Certifying Officer.

14. The **Investigating Officer(s) (IO) and/or the Investigating Board of Officers (IBO)** shall:

a. Be appointed in writing and not have a vested interest in the outcome of the investigation.

b. Not be in the chain of command of those individuals involved in the irregularity and when practical, the IO or IBO should be of higher grade to the individuals being investigated.

c. Ensure that each accountable individual receives and reviews Chapters 6 and 33, Volume 5, of reference e regarding liabilities and responsibilities of accountable individuals and statutory authority for relief of liability before any interviews or hearings are conducted.

d. Conduct investigations regarding loss of funds in accordance with Volume 5, Chapter 6, Chapter 29, Chapter 30, Chapter 33, and Appendix C of reference e.

e. Afford those individuals recommended as pecuniarily liable the opportunity to examine all evidence and to present in writing a rebuttal regarding the irregularity.

f. Develop all factual information in connection with the irregularity so that higher authority may take proper action.

g. Develop findings and recommendations, including a determination of the adequacy of internal controls and whether they were effectively implemented, and prepare a Report of Investigation (ROI). A recommendation for relief or non-relief of liability should be included.

h. Submit the ROI via the Deputy Inspector General, DoD (who will review the report and consider rebuttals, and make additional recommendations if necessary), and the Inspector General, DoD, to the DFAS. The ROI should be submitted to the DFAS servicing the OIG, DoD, within 90 calendar days after a loss has been discovered.

15. The **Technical Advisor(s)** shall provide technical advice (in the areas of internal controls, investigative techniques, financial accounting control, and interpretation of the law) to the IO and/or the IBO.

16. The **Director, Personnel and Security Directorate, OA&IM**, shall:

a. Review purchase requests that pertain to sensitive information or resources of a sensitive nature.

b. Sign the checklist at Appendix C for requirements for private sector temporary personnel.

G. Procedures. The OIG, DoD, procures goods and services through three principal methods--the Government Purchase Card Program for micropurchases under \$2,500 (includes checkwriting accounts); the award of contractual instrument by the OIG, DoD, (DCC-W Contracting Directorate); or another DoD or Federal Agency awarding a contractual action or providing reimbursable services based on a Military Interdepartmental Purchase Request (MIPR) or other such transfer of funds.

1. **Government Purchase Card.** Procedures for the use of the commercial credit card to acquire supplies and services for Government purposes in support of the OIG, DoD, are outlined in reference d. IG Form 4100.33-3, Credit Card Request for Purchase of Supplies and Services (Figure 9, page 20), will be used for the purchase request of supplies and services by credit card.

2. **Contractual Actions.** For purposes of this Instruction and in accordance with reference a, the procedures and guidelines in reference b shall be used for contracting actions processed under the authority of the DCC-W.

3. **MIPR.** Procedures in reference b shall be followed. (**Note:** Procedures for processing Acquisition Requirement Documents for the purchase of IT resources are outlined in reference f.)

H. Legal Review. The DCC-W staff, under the terms and conditions of references a and b, will provide legal review and assistance for contractual actions processed under the authority of the DCC-W.

I. Property Control. Receipt of ordered supplies, equipment, furniture, IT resources, etc. will be accounted for under the provisions of references k and l.


J. Liability of Accountable Individuals. Volume 5, Appendix C, of reference e establishes that Certifying Officers are, in effect insurers of the public funds and are excusable only for losses due to acts of God or the public enemy. A presumption of negligence applies in all cases to Certifying Officers and Disbursing Officers, and these individuals bear the burden of proof in establishing the fault or negligence on their part. A Certifying Officer is pecuniarily liable for payments in accordance with the provisions of reference e. Pecuniary liability shall be one-twelfth of annual pay in the case of civilian employees. A presumption of negligence does not apply to Accountable Officials.

K. Requests for Relief from Liability. Requests for relief of liability shall be in the form of a memorandum from the accountable individual addressed to the servicing DFAS Center through the Certifying Officer and the requestor's chain of command. The request shall include a complete report of the circumstances resulting in the deficiency and a reference to the ROI. Volume 5, Chapter 6, Paragraph 061003, of reference e outlines the specific information required in the requestor's memorandum. It is the responsibility of the individual(s) requesting relief to dispel any doubt that the irregularity was not due to any fault or negligence on their part. Failure to provide all the information required could contribute to an unfavorable consideration of a request for relief.

L. Individual(s) Rights. Accountable individuals recommended for pecuniary liability must be afforded an opportunity to examine all evidence and to present in writing a rebuttal regarding the irregularity. Specific information (in addition to the information provided in the preceding paragraphs of this Instruction) regarding individual(s) rights and the investigation process is detailed in Volume 5, Chapters 6, 29, 30, 33, and Appendix C of reference e.

M. Effective Date. This Instruction is effective immediately.

FOR THE INSPECTOR GENERAL:


Joel L. Leson
Director
Office of Administration
and Information Management

3 Appendices – a/s

MEMORANDUM FOR *(Individual's Name and Organizational Code)*

SUBJECT: Appointment as Certifying Officer

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby appointed as the OIG, DoD, Certifying Officer responsible for payments *(Identify type of payments, such as vendor pay and civilian pay)* against Contract No. _____. *(Specify applicable contract number and address of the disbursing officer to whom certification will be made.)*

As a Certifying Officer, you will be responsible for certifying vouchers and documents for payment. Certifying Officers have pecuniary liability for any illegal, improper, or incorrect payment processed by the Department as a result of any inaccurate or misleading certification. This means that you may have to repay the total amount of any payment that is found to be illegal, improper, or incorrect. You must become thoroughly familiar with your responsibilities and accountability. By your signature below, you acknowledge this appointment and affirm that you have read and understand your responsibilities as described in the following references:

Title 31, US Code, Sec 3325	http://www4.law.cornell.edu/uscode/31/3325/html
Title 31, US Code, Sec 3528	http://www4.law.cornell.edu/uscode/31/3528/html
DoD Directive 7000.15	http://web7.whs.osd.mil/pdf/d700015p.pdf
DoD FMR Vol. 5, Ch 33	http://www.dtic.mil/comptroller/fmr/05/0533.pdf

In addition, if you are certifying documents other than travel vouchers paid through the Defense Travel System (DTS) or DTS-Limited, you must complete a DD Form 577, Signature Card. After completion of the acknowledgment below and the Signature Card, keep a copy and forward the originals to the Director, OA&IM.

*Director
Office of Administration
and Information Management*

ACKNOWLEDGEMENT (See Page 2)

Figure 1. Sample Letter for Appointment of Certifying Officer (Front Page)

ACKNOWLEDGMENT:

By signature hereon, I acknowledge my appointment as a Certifying Officer. I have read and understand my responsibilities and accountability. I understand my right to request relief of liability for any payment I certify that is determined to be illegal, improper, or incorrect. I further understand that this appointment will remain in effect until Revoked in writing by the appointing official above or successor.

Certifying Officer's Typed Name and Signature

Date Signed

Figure 1. Sample Letter for Appointment of Certifying Officer (Back Page)

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Appointment as Review Official

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby appointed as the OIG, DoD, Review Official for conducting reviews of *(Insert pre- or post-payments, as appropriate,)* certified by Certifying Officer *(Insert applicable individual's name)* for Contract *(Insert applicable contract number)*. You are officially responsible for carrying out your duties in accordance with public laws, Government-wide and DoD policies and regulations, and IGDINST 4205.1.

*Director
Office of Administration
and Information Management*

Figure 2. Sample Letter for Appointment of Review Official

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Appointment as Investigating Officer

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby appointed as the OIG, DoD, Investigating Officer for conducting an investigation into an inquiry *(Insert applicable Inquiry Number or Review Number)* resulting from a review regarding questionable payments against Contract *(Insert applicable contract number)*. You are officially responsible for carrying out your duties in accordance with public laws, Government-wide and DoD policies and regulations, and IGDINST 4205.1.

*Director
Office of Administration
and Information Management*

Figure 3. Sample Letter for Appointment of Investigating Officer

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Appointment to Investigating Board of Officers

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby appointed as an OIG, DoD, officer to the Investigating Board of Officers for conducting an investigation into an inquiry *(Insert applicable Inquiry Number or Review Number)* resulting from a review regarding questionable payments against Contract *(Insert applicable contract number)*.

You are officially responsible for carrying out your duties in accordance with public laws, Government-wide and DoD policies and regulations, and IGDINST 4205.1.

*Director
Office of Administration
and Information Management*

Figure 4. Sample Letter for Appointment to Investigating Board of Officers

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Appointment as Technical Advisor

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby appointed as an OIG, DoD, Technical Advisor pertaining to *(Insert the applicable technical expertise, e.g., internal controls, investigative techniques, financial accounting control, and interpretation of the law)* to assist the following Investigating Officer *(Insert applicable name)* technically in his or her investigation into an inquiry resulting from a review regarding questionable payments against Contract *(Insert applicable contract number)*. You are officially responsible for carrying out your duties in accordance with public laws, Government-wide and DoD policies and regulations, and IGDINST 4205.1.

*Director
Office of Administration
and Information Management*

Figure 5. Sample Letter for Appointment of Technical Advisor

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Designation as Accountable Official

In accordance with IGDINST 4205.1, *Acquisition Policy and Procedures Program*, you are hereby designated as an OIG, DoD, Accountable Official for Contract *(Insert applicable contract number)*.

You are officially responsible for carrying out your duties in accordance with public laws, Government-wide and DoD policies and regulations, and IGDINST 4205.1.

Your signed acknowledgement of this letter accepting your designation and responsibilities is required by regulation. Please sign and date in the space below and return this letter to the Director, OA&IM.

Accountable Official's Signature

Date Signed

*Director
Office of Administration
and Information Management*

Figure 6. Sample Letter for Designation of Accountable Official

MEMORANDUM FOR *(Individual's Name)*

SUBJECT: Designation of Contracting Officer's Representative

Contract Number _____

Contractor: _____

1. Pursuant to the provisions of the DCC-W Acquisition Guide, you are hereby designated Contracting Officer's Representative (COR). This designation shall remain in effect for the life of the contract unless:

a. The appointment is terminated in writing by the undersigned Contracting Officer or by his or her successor;

b. You are reassigned; or,

c. Your employment with the Government is terminated.

2. This designation authorizes and obligates you to perform the tasks included on Enclosure 1, unless specifically prohibited by the terms of the contract. The Authority herein conferred is not redelegable. To assist you in maintaining the highest degree of professionalism and integrity when maintaining and recording file documentation, an Index of Documents and specific instructions is at Enclosure 2 and should be made a part of your official COR file.

3. Under this designation, YOU HAVE NO AUTHORITY TO MODIFY THE STATED TERMS OF THE CONTRACT OR SPECIFICATION IN ANY MANNER, NOR TO APPROVE ANY ACTION WHICH WOULD RESULT IN ADDITIONAL CHARGES TO THE GOVERNMENT. ALL SUCH CHANGES MUST BE MADE IN WRITING BY THE CONTRACTING OFFICER.

4. (X) The COR is required to acknowledge receipt of this designation and return THE ORIGINAL TO THE Contracting Officer within ten (10) working days.

5. (X) The Contractor is required to acknowledge receipt of this designation and return one copy to the Contracting Officer within ten (10) working days.

6. (X) Previous designation of COR on this contract is hereby rescinded effective as of the date of this letter.

Contracting Officer

Enclosures:

- 1. Technical Responsibilities
- 2. Index of Documents Contained in COR file

Receipt Acknowledged:

Printed Name

Signature

Date

Figure 7. Sample Designation of Contracting Officer's Representative

1. NAME <i>(Type or print)</i>	2. PAY GRADE	3. DATE
4. OFFICIAL ADDRESS		
5. SIGNATURE		
6. TYPE OF DOCUMENT OR PURPOSE FOR WHICH AUTHORIZED		
THE ABOVE IS THE SIGNATURE OF THE AUTHORIZED INDIVIDUAL		
7. NAME OF COMMANDING OFFICER <i>(Type or print)</i>	8. PAY GRADE	
9. SIGNATURE OF COMMANDING OFFICER		

DD Form 577, MAY 88 (EG) *Previous edition may be used until exhausted.* **SIGNATURE CARD**
Designed using Perform Pro, WHS/DIOR, Oct 97

Figure 8. DD Form 577, Signature Card

CREDIT CARD REQUEST FOR PURCHASE OF SUPPLIES AND SERVICES			CONTROL NUMBER:		DATE:
TO:		THRU:		FROM:	
PART I - LIST SUPPLIES/SERVICES BELOW (Continue on Plain Sheet if Necessary)					
FOR:		DELIVERY TO:		NO LATER THAN:	
Mfg Part or Stock Number	Description of Material or Services	Quantity	Unit of Issue	Estimated Unit Price	Estimated Total Cost
					Total
Suggested Sources (Include Phone Number, Address & POC):					
PART II - JUSTIFICATION, CERTIFICATION, AND PROPERTY RECEIPT					
Justification or Purpose:					
I CERTIFY THAT FUNDS ARE AVAILABLE: _____ (Card Holder)					
PROPERTY OR SERVICES RECEIVED BY: _____ Date: _____					
PART III - REQUESTER					
DATE:	Type Name, Title & Phone No. of Requester:			Signature	
DATE:	Supervisor or Co-worker:			Signature	
Part IV - SPECIAL AUTHORIZATIONS					
DATE:	ADP/Telecommunications Official (for related ADP purchases):			Signature	
DATE:				Signature	
DATE:	Accountable Equipment (IGDM 7200.10):			Signature	

IG FORM 4100.33-3. SEPTEMBER 1995 (EG)

Figure 9. IG Form 4100.33-3, Credit Card Request for Purchase of Supplies and Services

**APPENDIX A
REFERENCES**

- a. Memorandum of Understanding between the OIG, DoD and the Defense Supply Services-Washington, October 2001
- b. Defense Contracting Command-Washington *Acquisition Guide*, current version
- c. DoD FAR Supplement (DFARS) 208.7004
- d. IGDINST 4100.33, *Commercial Purchase Card Program*, December 2001
- e. DoD Financial Management Regulation (FMR)
- f. IGDINST 7950.1, *Acquisition of Information Technology Resources*, May 2000
- g. U.S. Code, Title 41, Section 351, Service Contract Act of 1965
- h. U.S. Code, Title 31, Section 3528, Responsibility and Relief from Liability of Certifying Officers
- i. U.S. Code, Title 31, Section 3325, Vouchers
- j. U.S. Code, Title 31, Section 3529, Request for Decisions of the Comptroller General
- k. IGDM 4140.1, *Property Management Program*, March 2001
- l. IGDINST 4140.1, *Property Management Program*, March 2001
- m. Federal Acquisition Regulation (FAR), Subpart 6.3

**APPENDIX B
DEFINITIONS**

- a. **Acquisition Planning** promotes effective and efficient use of resources, enhances prioritization, and improves the overall quality of the acquisition process.
- b. **Accountable Individual** is any Government employee or military member who, by reason of his or her position, is responsible for or has custody of Government funds.
- c. **Accountable Official** is an individual who attests to the legality, propriety and the correctness of a document *that supports* a payment voucher.
- d. **Certifying Officer** is the person who attests to the legality, propriety, and correctness of a voucher submitted for payment.
- e. **Competitive Procurement** is required by the Competition in Contracting Act of 1984 (CICA). The CICA establishes three types of competition: full and open competition, full and open competition after exclusion of sources, and other than full and open competition. It limits the circumstances under which other than full and open competition may be used and sets specific justification requirements based on the seven exceptions to full and open competition (reference m). The CICA further requires collection of market research data, costs, and pricing information before a solicitation is prepared, and evaluation of proposals only on factors included in a solicitation.
- f. **Contract** is a mutually binding legal relationship obligating the seller to furnish the supplies or services and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. This includes (but is not limited to) rental and lease agreements, purchase orders, delivery orders, service contracts, requirements-type contracts, and bilateral instruments.
- g. **Contracting Officer** is an individual who is designated by appropriate authority to enter into and administer contracts and make determinations and findings with respect to the contracts. This individual has primary responsibility for all contractual matters and is the only person who may enter into or change a contractual obligation on behalf of the Government.
- h. **Contracting Officer's Representative (COR)** is an authorized representative of the Contracting Officer. The Contracting Officer designates in writing the responsibility of a COR to assist in technical monitoring and administration of a specific contract.
- i. **Defense Contract Action Data System (DCADS)** is the DoD feeder system for the Federal Procurement Data System (FPDS).
- j. **Disbursing Officer (DO)** is a military member or civilian employee of a DoD component designated to disburse moneys and render accounts according to laws and regulations governing the disbursement of public moneys.
- k. **Government Purchase Card** is the official name of the Government-wide purchase card used to purchase items costing less than the micropurchase threshold (currently \$2,500).
- l. **Information Technology (IT)** is the hardware and software used for Government information, regardless of the technology involved, whether computers, communications, micrographics, or others (Office of Management and Budget Circular A-130).

- m. An **Inquiry** directs the Certifying Officer to provide an explanation as to why payment was certified. An inquiry is issued to the Certifying Officer when the Review Official identifies a certified proposed payment, or an actual payment, as being of questionable legality, propriety, or correctness.
- n. **Investigating Board of Officers (IBO)** is a board consisting of individuals appointed by the head of the activity, or his designee, to investigate charges made against Certifying Officers or Accountable Officials regarding questionable proposed or actual payments.
- o. **Investigating Officer (IO)** is an individual appointed by the head of the activity, or his designee, to investigate charges made against Certifying Officer or Accountable Officials regarding questionable proposed or actual payments.
- p. **Investigation** is ordered after an Accountable Official, Certifying Officer, or Disbursing Officer is charged by a Review Official with an erroneous payment.
- q. **Justification and Approval Documentation** is documentation that confirms that the goods and services requested are essential and are the most cost-effective means for satisfying the mission requirement.
- r. **Memorandum of Understanding between the OIG, DoD, and the Defense Supply Service-Washington (now the Defense Contracting Command-Washington)** is an agreement documenting the responsibilities of each activity for delegated procurement authority for the OIG, DoD.
- s. **Military Interdepartmental Purchase Request (MIPR)** is a DD Form 448 for the acquisition of supplies and services external to an agency.
- t. **Negligence** is ordinary or simple negligence, including the failure to adhere to established official DoD regulations, policies, and procedures, and local standard operating procedures; bad faith.
- u. **Nonpersonal Services Contract** is a contract under which the personnel rendering the services are not subject, either by the contract's terms or by the manner of its administration, to the supervision and control usually prevailing in relationships between the Government and its employees.
- v. **Pecuniary Liability** is personal financial liability for fiscal irregularities of Disbursing and Certifying Officers as an incentive to guard against errors and theft by others, and also to protect the Government against errors and dishonesty by the officers themselves.
- w. **Personal Services Contract** is a contract that, by its express terms, or as administered, makes contractor personnel appear, in effect, as Government employees.
- x. **Procurement Performance Measurement Plan** measures procurement administrative lead time.
- y. **Purchase Request** is the basic requisitioning document for the acquisition of supplies and services internal to the agency.
- z. **Relief from Liability** is action taken by someone with the legal authority to do so, which absolves Accountable Officials or Certifying and Disbursing Officers of pecuniary liability.
- aa. **Review Official** is an individual appointed coincident with the appointment of a Certifying Officer to conduct pre- and post-payment reviews of payments certified by the Certifying Officer.

- bb. **Sensitive Information** is any information that the unauthorized access to, or loss, misuse, or modification of, could negatively impact the national security, privacy of individuals, or the conduct of OIG, DoD, operations.
- cc. **Statement of Work (SOW)** describes the goods to be acquired or services to be performed.
- dd. **Technical Adviser** is an individual appointed to assist the IO and/or the IBO with technical advice (in the areas of internal controls, investigative techniques, financial accounting, and interpretation of the law).
- ee. **Voucher** is an invoice, bill, or any other document, certified by a Certifying Officer on which basis a Disbursing Officer makes a payment.

APPENDIX C
CHECKLIST FOR PRIVATE SECTOR TEMPORARY PERSONNEL

PART I

(Must be completed by the Requesting Office)

1. The services of private sector temporaries are needed for the following reason (Note: The Office of Personnel Management Regulation (5 CFR 300.503) authorizes the use of private sector temporaries only in the short-term situations described below. Please check the situation that exists in your office or work unit.):

a. {____} An employee (DO NOT insert employees name) currently filling the position of {insert the title, series, and grade of the employee} is absent from this position for a temporary period (short-term) because of a personal need, including emergency, accident, illness, parental, or family responsibilities, or mandatory jury service, but not including vacations or other circumstances that are not shown to be compelling in the judgment of the requesting office.

b. {____} I have determined that work must be carried out for a temporary period and cannot be delayed because of a critical need. The critical need is:

2. We will need these services starting on _____ and ending on _____. (Note: If the required services are for other than full-time continuing, also show the total number of days _____ and/or total number of hours _____ the services will be needed.) Also, this need cannot be met with current employees within the time available, by the date, and for the duration of time the help is needed. (Note: Length of time for using a private sector temporary must not exceed 120 work days in a 24-month period. If an appropriate need still exists at the end of the 120 work days, the temporary may work up to a maximum of 240 workdays provided it has been determined that using the services of the same individual for the same situation will prevent significant delay.)

3. A full description of the needed work is as follows or is attached (Note: Do not use the Government employee's position description of the Government employee since it is too general for the purpose of describing the work to be performed by the temporary.):

4. The person must have the following knowledge, skills, and abilities in order to work:

5. The person may be required to use the following equipment (list the equipment that will be used, showing the make and model of personal computer, word processor, typewriter, mail sorter, etc.).

6. If a specific personal computer program is required, show the name.

7. Describe the work environment by stating the type of setting in which the temporary will be working (e.g., general office, front office, typing pool, information desk, mailroom, warehouse, etc.).

8. List any physical endurance, such as a significant amount of walking (e.g., mail clerk), bending and lifting (e.g., warehousing), standing (e.g., clerk-photocopying), etc. that the work will require.

- 9. List any special conditions of the work (e.g., security clearance requirements).
- 10. List administrative information, such as address and location of the workplace, including building and room number; the daily working hours and lunchtime; the name, address, room number, and telephone number of the person to whom the temporary should report on the first day of work. For example:

Temporary Worker Should Report to:

 in Room: _____

11. I certify that the statements under #1 through #10 are correct to the best of my knowledge, and the temporary or the use of these temporary services:

- a. ____ Will not displace a Federal employee.
- b. ____ Is not for the work of managerial or supervisory positions.
- c. ____ Will not be for the work of or to fill an SES employee or position.
- d. ____ Does not circumvent the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive civil service.
- e. ____ Will not circumvent controls on employment levels.
- f. ____ Will not be used in lieu of appointing a surplus or displaced Federal employee, as required by 5 CFR Part 330, Subpart F (Agency Career Transition Assistance Plan for Displaced Employees) and Subpart G (Interagency Career Transition Assistance Plan for Displaced Employees).

(Signature)

(Title of Office Official)

(Date)

PART II
(Must be completed by the Personnel Office)

I have reviewed Part I to ensure compliance with regulatory requirements and to ensure that the information is sufficient to contract with the private sector. I certify the following:

a. That the need ___ can ___ cannot be met through the direct appointment of temporary employees within the time available, by the date, and for the duration of time the work is needed.

b. That there ___ are (see attachment) ___ are no qualified candidates on the applicant supply file or on the reemployment priority list.

c. That there ___ are (see attachment) ___ are no qualified disabled veterans with a compensable service-connected disability of 30 percent or more under 5 U.S.C. 3112, who are immediately available for temporary appointment of the duration required.

(Signature)

(Title of Agency Personnel Official)

(Date)