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Policies and Procedures

Title: Internal Control Plan for REE Acquisition Program

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This P&P provides current guidance on REE's Internal Control Plan with regard to acquisitions.

This P&P has been updated to reflect process changes due to the ARS organizational restructure.

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1. Statement of Policy

It is REE policy to assure all personnel involved with acquisition are effectively performing their duties and that cognizant supervisors and managers provide the necessary oversight and monitoring to ensure compliance with internal control standards. This will assure that REE's vulnerability to fraud, waste, and mismanagement is minimized to the greatest possible extent.

2. Introduction

REE must assure that its acquisition activities are managed to minimize fraud, waste, and mismanagement and to maximize effectiveness and cost savings.

REE spends approximately \$373 million on 266,000 procurement actions each fiscal year in order to meet its mission requirements. The cost of REE's acquisition program and the requirement to assure proper compliance with all related acquisition regulations are critical considerations in formalizing the REE Procurement Internal Control Plan.

There are a number of standards that are in effect to assist managers in achieving the objectives of acquisition internal control measures. Provided below is a list and brief explanation of some of the laws, requirements, and policies affecting procurement internal controls within the Federal Government.

3. Laws, Requirements, and Policies Affecting Internal Control

OMB Circular A-123, Management Accountability and Control (December 21, 2004)

OMB Circular A-123 provides guidance to Federal managers on improving the accountability and effectiveness of Federal programs and operations by establishing, assessing, correcting, and reporting on management control (internal control).

OMB Circular A-127, Financial Management Systems (January 9, 2009)

OMB Circular A-127 prescribes policies and standards for executive departments and agencies to follow in developing, operating, evaluating, and reporting on financial management systems including internal control.

Federal Managers Financial Integrity Act of 1982

This Act requires the Office of Management and Budget, in consultation with the Comptroller General, to prescribe standards of internal accounting and administrative control and requires agencies to determine compliance with internal control standards.

Government Performance and Results Act (GPRA) of 1993

The GPRA requires that agencies develop strategic plans that cover a period of at least 5 years, annual performance plans, and report on the achievement of goals and objectives on an annual basis. The GPRA requires that agencies develop performance targets and measures and report the results.

Government Performance and Results Modernization Act of 2010

This Act modernizes and refines the requirements of the Government Performance and Results Act of 1993 to require quarterly performance reviews of Federal policy management priorities to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council.

Federal Financial Management Improvement Act of 1996 (FFMIA)

The Act states that much effort has been devoted to strengthening Federal internal accounting control in the past, and while some progress has been made, accounting standards have not been uniformly implemented. The Act requires each agency to implement and maintain financial management systems that comply substantially with: (1) system requirements, (2) applicable Federal accounting standards, and (3) the Standard General Ledger.

Budget and Accounting Procedures Act of 1950

This Act establishes that the Government Accountability Office (GAO) audits be directed at determining the extent to which adequate internal financial control over operations is exercised.

Chief Financial Officers Act of 1990

The purpose of the Act is to ensure improvement in agency systems of accounting, financial management, and internal control; to assure the issuance of reliable financial information; and to deter fraud, waste, and abuse of Government resources.

Departmental Regulation No. 1110-002, Management Accountability and Control (April 14, 2004)

This regulation establishes Departmentwide policy for all agencies and staff offices to improve the accountability and effectiveness of USDA's programs and operations through the use of sound systems of internal and management controls. The intent of the policy is to ensure that programs are managed with integrity and that program operations comply with applicable laws and regulations.

4. Internal Control Plan and Quality Assurance

An Internal Control Plan (ICP) comprises plans, methods, and procedures used by an entity to meet its objectives. An effective ICP is essential to achieving the proper conduct of Government business with full accountability for the resources made available. The ICP will help to ensure that an agency meets its missions, goals, and objectives; complies with laws and regulations; is able to provide reliable financial and other information concerning its programs, operations, and activities; and serves as the first line of defense in preventing and detecting fraud, waste, and abuse.

The Acquisition and Property Division (APD), Administrative and Financial Management (AFM), Agricultural Research Service, utilizes the ICP to assure that procurement policy objectives are being met and that quality standards are being upheld. The ICP specifies procedures that are to be followed at each step of the procurement process, defines quality standards for procurement products, and provides feedback at each step of the process.

This ICP provides for the following types of reviews, policies, and procedures to be utilized during the procurement process:

- Consolidated Assistance Review and Evaluation (CARE) Reviews
- Procurement and Property Management Reviews (PPMRs)
- Legal Reviews
- Contracting Officers' Warrant System and Training
- Head of the Contracting Agency Designee (HCAD) Approval of certain procurement actions such as procurement request reviews, ratifications, etc.
- Contract Review Boards
- Acquisition Issuances (Policies and Procedures (P&Ps), Alerts, Standard Operating Procedures (SOPs), etc.)
- APD HomePage
- Reporting Requirements
- Procurement Preference Program
- Tracking and Management Information Systems
- Oversight of Acquisition Personnel

- File Documentation
- Customer Feedback
- Contracting Officer Training

The reviews listed below will be used by management to assure that procurement policy objectives are being met and that quality standards are being upheld. The reviews will be used to identify recurring and systemic procurement problems. Recurring problems will be analyzed by management with a view to determine the extensiveness of the problem and implementing appropriate actions to avoid continuation of recurring problems. If indicated, management will gather additional data and/or establish a committee to work on a resolution. Personnel training will be scheduled, if appropriate. Guidance materials are reviewed for clarity and consistency.

These reviews will assist the HCAD's oversight of the Contracting Officer's (CO) performance and adequacy and use of policies and procedures.

CARE Reviews

The CARE Reviews will be conducted as a joint activity by ARS, Location, Business Service Center, and Headquarters administrative and program personnel on various administrative functions which include simplified acquisitions, purchase cards, and check writing. ARS locations are selected for these CARE Reviews on a rotating basis each fiscal year. Functional "checklists" are used by the CARE Review Teams to review and report on any problems in the acquisition function, which are then subsequently addressed and resolved by the reviewed site. Trends are then assessed to determine if additional resources need to be focused on a particular area.

Procurement & Property Management Reviews (PPMR)

The Acquisition Programs and Oversight Branch (APOB) and the Property and Support Services Branch (PSSB) APD personnel will conduct joint PPMRs on the ARS Business Service Centers procurement and personal property activities. The three ARS Business Service Centers are reviewed on a rotational basis.

These PPMR teams, using a review guide along with checklists, will review simplified acquisitions, contracts (including services, supplies, construction and architect-engineering) equipment, service, and construction), purchase card/check writing activities, and disposition of Government personal property. A report, which includes summary findings and recommendations, will be issued based on the team's review of these operations. The report will require that any noted deficiencies will be addressed and resolved, and an action plan will be provided to the team, along with milestones, to assure that this is accomplished.

Assistance will be provided by the review team to support the reviewed activity in correcting any deficiencies and improving procurement and personal property operations and employees' performance.

Contract Review Boards

Contract Review Boards (CRBs) are conducted by APOB to review certain procurements that are either high dollar value or sensitive in nature. The CRB is formed each time the need arises to review a proposed acquisition strategy for a requirement and its related solicitation document, as well as the resultant contract award package. In addition, COs can request a CRB for any other solicitation or contract action it deems necessary.

The CRB process functions in accordance with the Contract Review Board Standard Operating Procedures which provide guidance on the CRB process and responsibilities of procurement and technical personnel.

Legal Reviews

In accordance with Departmental Regulation 5000-4, COs are in the best position to determine whether legal advice should be sought during the acquisition process. Therefore, COs will decide if contractual actions, regardless of dollar value or complexity, require legal review.

Warrant System

REE's HCAD has a warrant program in place to effectively control the issuance of delegations. The delegations of contracting authority are tracked and monitored in APOB, APD, to assure that acquisition personnel requesting warrants or increases to warrants have complied with training, experience, and need requirements. Compliance with maintenance training requirements will be tracked by APOB on an individual basis and notices will be sent to supervisory procurement officials to assure their subordinate COs comply. The REE warrant system is automated and can provide periodic reports to the HCAD for review and oversight.

HCAD Approval of Procurement Actions

The HCAD has delegated authority covering certain significant procurement actions that require HCAD approval. This ensures appropriate oversight on procurement sensitive actions and confirms procurement officials' decisions and justifications. Examples are provided below; however, this list is not considered all inclusive:

- Mistakes in Bid (AGAR 414.407)
- Cancellation of Invitations After Opening (AGAR 414.404-1)
- Ratifications (exceeding delegated level) (P&P 212.16)

- Competition Advocate (AGAR 406.501) delegated to the Chief, Acquisition Programs and Oversight Branch
- Demonstration of Market Acceptance (AGAR 411.103(a))
- Tailoring of Provisions and Clauses for the Acquisition of Commercial Items (AGAR 412.302)
- Authority to Exceed the 5-Year Limitation in FAR 17.204(e) (AGAR 417.204)

Policies & Procedures

APD issues procurement guidance in the form of REE “Issuances” (e.g., P&P’s, SOPs, Alerts, etc.). The issuances condense and interpret important procurement regulations and policy from many sources that significantly affect Agency acquisition programs as well as clarify any complex acquisition procedures.

APD Homepage

The APD Homepage was developed and is maintained by APOB, APD, with the objective of providing resource information to REE personnel (procurement and non-procurement personnel) on the Agency’s acquisition programs. All APOB “Issuances” (P&P’s, SOPs, Alerts, etc.) are posted at this site.

Reporting Requirements

APD has several reporting requirements that enable the HCAD to keep abreast of sensitive procurement actions within the Agency. Examples include: Forecast of Procurement Opportunities and Procurement Preference Program Goals vs. Achievements (Quarterly Reports).

Procurement Preference Program

REE’s Small Business Coordinator is in APOB, APD/AFM. The Small Business Coordinator assists Agency procurement officials in developing the Procurement Forecast and Procurement Preference Program Goals. Through the process of advance acquisition planning, forecasts are developed on an annual basis and achievements are tracked through the Federal Procurement Data System – Next Generation (FPDS-NG) to ensure the Agency’s progress in meeting its procurement preference commitments. Procurement Preference Program Goals are developed every other fiscal year.

The Small Business Coordinator provides guidance to field offices via policy issuances, E-mail documents, and other correspondence.

Oversight of Acquisition Personnel

The HCAD must ensure consistent oversight of acquisition personnel so that internal control objectives are met. Without this oversight across REE procurement activities, errors in procurement practices can continue without being identified and lead to the Agency being exposed to waste, fraud, and abuse.

File Documentation

File documentation is extremely important. It tells the story about each and every acquisition. The documentation must be sufficient to constitute a complete history of the acquisition:

- (1) providing a basis for informed decisions at each step of the acquisition process;
- (2) supporting the actions that were taken;
- (3) providing information for reviews and/or investigations; and
- (4) furnishing essential facts in the event of litigation or Congressional inquiries.

FAR 4.803 provides a listing of the records normally contained in contract files.

5. Conclusion

The Internal Control Plan will assure management that policy objectives are being met, quality standards are being upheld, and identifies all pertinent procurement instructions and guidance documents. The plan provides procedures for the procurement process, defines quality standards for procurement products, and provides for feedback during the procurement process.

6. Summary of Responsibilities

Head of the Contracting Activity Designee

Ensures review and evaluation of the procurement workforce, and procurement activities.

- Requires and oversees an automated procurement workload tracking system.
- Reviews and monitors procurement activities within the Business Service Centers.

Acquisition Programs and Oversight Branch (APOB)

- Conducts CRBs.
- Conducts oversight of supervisory procurement officials.

- Identifies and randomly selects procurement actions for review.

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