

**NATIONAL WEATHER SERVICE INSTRUCTION 70-206**

**July 13, 2015**

**Financial Management 70-2**

**UNAUTHORIZED COMMITMENTS**

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**NOTICE:** This publication is available at: <http://www.nws.noaa.gov/directives/>.

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**OPR:** W/CFO1 (C.Kirby)

**Certified by:** W/CFO/CAO (J. Potts)

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**SUMMARY:** This guidance is in addition to the guidance set forth by the Department of Commerce which can be found at the following link:  
[http://www.osec.doc.gov/oam/acquistion\\_management/policy/commerce\\_acquisition\\_manual\\_cam/documents/Rev%20Jul4CAM%201301%20602%20-%20Ratification%20of%20Unauthorized%20Commitment.pdf](http://www.osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/documents/Rev%20Jul4CAM%201301%20602%20-%20Ratification%20of%20Unauthorized%20Commitment.pdf)

Signed  
John E. Potts  
Chief Financial Officer/Chief  
Administrative Officer

6/25/15  
Date

## Unauthorized Commitments

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## **1 Purpose**

This purpose of this policy is to set forth the requirements to implement measures to avoid unauthorized procurement actions and prescribe the ratification process.

## **2 Scope**

This procedure applies to all National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) personnel; specifically personnel with procurement authorization.

## **3 Responsibilities and Procedures**

### **3.1 Responsibilities**

Basic responsibilities are as follows in the event an unauthorized commitment occurs.

- a. Employee who caused the unauthorized commitment will send (in memo format) an explanation through the immediate supervisor with details of the event. This memo should be sent within seven calendar days of the event.
- b. Supervisor will review and initial, if all facts are in order, and forward per specific routing instruction in Attachment B.

### **3.2 Unauthorized Commitments**

3.2.1 Unauthorized commitments occur when Department of Commerce (DOC) accepts goods or services in the absence of an enforceable contract entered into by an individual with delegated contracting authority. Payment for goods or services accepted in the absence of an authorized commitment may be made only through the ratification process.

### **3.3 Avoiding Unauthorized Commitments**

3.3.1 To avoid an unauthorized commitment, an approved existing obligating vehicle must be in place before the start of any work or request for delivery of supplies or services.

- a. The obligating vehicle should either be an existing purchase/task order, bankcard ( see purchase card directive), an existing contract, Blanket Purchase Agreement (BPA), or an existing indefinite delivery/indefinite quantity (IDIQ) contract.
- b. The scope of the obligating vehicle must completely define the work to be accomplished and the award must financially cover all work defined in the order.
- c. The obligating vehicle cannot be used to increase the scope unless a modification has been executed to redefine new work.

### **3.4 Emergencies**

3.4.1 In the event of emergencies, personnel must obtain **verbal** approval from their servicing Delegated Procurement Authority (DPA) or NOAA AGO before sending any equipment out for

repair or ordering of any services or supplies. When contacting the DPA or AGO, the requester must notify the DPA or AGO official by stating the term “This is a request for a verbal **Notice to Proceed.**”

3.4.2 The requester must discuss and inform the DPA or AGO official of any limits to the dollar amount to be spent. This will enable the DPA or AGO official to obtain services within the Not to Exceed (NTE) dollar limit. Funding verified by the appropriate fund certifier must be available before a verbal Notice to Proceed can be issued by the DPA or NOAA AGO..

3.4.3 In the event of the need for an emergency or weekend repair, use the information found in Attachment A to contact the DPA or AGO official required.

3.4.4 Only the DPA or AGO may issue a verbal notice to proceed to obtain services, supplies or for sending equipment to vendors for repair.

### **3.5 Ratification of an Unauthorized Commitment**

3.5.1 In the event an unauthorized commitment occurs, the following information is required to process a ratification request (refer to the Commerce Acquisition Manual (CAM) 1301.602 and FAR 1.602-3):

#### 3.5.1.1 Facts and Circumstances

The basic routing procedure is:

- a. The employee responsible for the unauthorized commitment must inform the immediate supervisor as soon as the unauthorized commitment is discovered.
- b. After notifying the supervisor, the employee must prepare a memorandum describing the events and details that led to the unauthorized commitment (refer to the sample in Attachment B).
- c. The supervisor will approve, notify the lead FMC Budget Officer, and forward the memorandum to the FMC Director to review and sign.
- d. The FMC Director will forward the signed memorandum to the NWS Internal Controls Project Manager (in CFO office) for review.
- e. The Internal Controls Project Manager will ensure that all required information is included in the memorandum and prepare a cover memorandum for the CFO to sign.
  - The CFO will sign the cover memorandum and submit it with the Request for Ratification memorandum to the NOAA AGO Director for unauthorized commitments exceeding \$150,000.
  - The CFO will submit the signed cover memorandum and the Request for Ratification memorandum to the servicing Head Contracting Officer if the amount is less than \$150,000.

**EMERGENCY CONTACTS**

(NWS DPAs should be contacted first in the event of an emergency for up to \$25K):

**Eastern Acquisition Division (EAD):**

Name	Office Phone	Cell Phone	Email
Michele McCoy Simplified Acquisitions	757-441-4779	757-274-4779	<a href="mailto:Michele.A.Mccoy@noaa.gov">Michele.A.Mccoy@noaa.gov</a>
Brendon Johnson Large Acquisitions	757-441-3344	757-274-5076	<a href="mailto:Brendon.Johnson@noaa.gov">Brendon.Johnson@noaa.gov</a>
Marion Cavanaugh HQ and NCEP Large Acquisitions	757-441-6647	757-613-4210	<a href="mailto:Marion.Cavanaugh@noaa.gov">Marion.Cavanaugh@noaa.gov</a>
Andy Shanks HQ and NCEP HQ Large Acquisitions	757-441-6881	N/A	<a href="mailto:Andy.Shanks@noaa.gov">Andy.Shanks@noaa.gov</a>

**Eastern Acquisitions Division (EAD) Serviced by Kansas City:**

Name	Office Phone	Cell Phone	Email
Steven Prado Simplified Acquisitions	816-426-7454	N/A	<a href="mailto:Steven.M.Prado@noaa.gov">Steven.M.Prado@noaa.gov</a>
James Price Large Acquisitions	816-426-7464	N/A	<a href="mailto:James.E.Price@noaa.gov">James.E.Price@noaa.gov</a>
Donita McCullough All Acquisitions	816-426-7400	816-426-7471	<a href="mailto:Donita.S.Mccullough@noaa.gov">Donita.S.Mccullough@noaa.gov</a>

**Western Acquisition Division (WAD):**

Name	Office Phone	Cell Phone	Email
Michelle Woolsey – less than \$150K	303-497-3983	720-587-9441	<a href="mailto:Michelle.A.Woolsey@noaa.gov">Michelle.A.Woolsey@noaa.gov</a>
(Donna) Michelle Warren, Large Acquisitions or as needed	206-526-6035	206-300-3499	<a href="mailto:Donna.M.Warren@noaa.gov">Donna.M.Warren@noaa.gov</a>

**Memorandum Template**

(Use appropriate letterhead)

MEMORANDUM FOR: Name of Appropriate NOAA AGO Manager  
Title

FROM: Name of FMC Director, NWS  
Title

SUBJECT: Request for Ratification of Unauthorized Commitment

**1. Facts and Circumstances**

Circumstances surrounding the unauthorized commitment should be listed in this section (i.e., how it happened).

- Include a statement as to whether or not supplies or services have been provided by the vendor and accepted by the Government.
- Facts must be entered in bulleted format, start each bullet with the date of the event (if date is available), keeping facts to a minimum
  - Related invoices - include a description of work performed.
  - Explanation of how the vendor was selected.
  - Funds availability at the time of the unauthorized commitment.
  - List of officials who knew of the action and permitted the unauthorized commitment.
  - Whether or not the approving official has authority to enter into a contractual commitment
  - Actions taken or recommendations made to prevent a recurrence.
  - Any attempts to involve procurement officials (if no attempt was made, state reason why).
  - Ratification compliance with Department of Commerce policies and procedures.
  - Additional information, if applicable.

**2. Limitations**

This section must ensure the pertinent points from the Limitations section in CAM 1301.602, Section 3 (3.2.1), and FAR 1.602-3 are addressed. Statements addressing each of the following limitations must be included in the memorandum:

- a. Supplies or services have been provided to and accepted by the government, or the government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment.
- b. The approving official has the authority to enter into a contractual commitment.
- c. The resulting contract would otherwise have been proper if made by an appropriate contracting officer.
- d. The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable.
- e. The contracting officer recommends payment and legal counsel concurs in the recommendation.
- f. Funds are available and were available at the time the unauthorized commitment was made.

The memorandum will have the following attached to ensure all information is available for AGO.

- A copy of the most current invoice.
- A copy of the C.Request authorizing funding.
- Statement(s) of Work.

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- Other pertinent information regarding the unauthorized commitment.

FMCs may add to the basic routing as needed and inform staff of additional steps when necessary.