



DEPARTMENT OF THE INTERIOR  
DEPARTMENT OF THE INTERIOR  
ACQUISITION REGULATION (DIAR)

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PART 1401 -- DEPARTMENT OF THE INTERIOR ACQUISITION  
REGULATION SYSTEM

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**SUBPART 1401.1 -- PURPOSE, AUTHORITY, ISSUANCE**

**1401.105-3 Copies**

Copies of the DIAR and Departmentwide internal guidance may be obtained from the Office of Acquisition and Property Management, Office of the Secretary, U.S. Department of the Interior, 1849C Street (MS2607-MIB), N.W., Washington, D.C. 20240. Additional information on DOI may be obtained on Internet at <http://www.ios.doi.gov/pam/pamhome.html>

**1401.106 OMB approval under the Paperwork Reduction Act**

The information collection and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act of 1980 ([44 U.S.C. 3501 et seq.](#)). The following OMB control numbers apply:

<b>DIAR Segment</b>	<b>OMB Control Number</b>
1452.225-70	1084-0018
1452.226-70	1084-0019

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**SUBPART 1401.2 -- ADMINISTRATION**

**1401.201 Maintenance of the FAR**

**1401.201-1 The two councils**

(b) The Department of the Interior is represented on the CAA Council by a member of PAM.

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**SUBPART 1401.3 -- AGENCY ACQUISITION REGULATIONS**

**1401.301 Policy**

(a)(1) Subject to the authorities in (d) below, the Department issues acquisition regulations which implement or supplement the FAR under the Department of the Interior Acquisition Regulation (DIAR) System. The regulation, as part of the FAR system, is issued in accordance with the policy in [FAR 1.301\(a\)\(1\)](#).

(2) Subject to the authorities in (d) below, the Department also issues internal guidance and instructions under the DIAR System in accordance with the policy in [FAR 1.301\(a\)\(2\)](#).

(b) Public participation in the promulgation of the acquisition regulations which are published in the Federal Register shall follow the Department's rulemaking procedures prescribed in [Part 318, Chapter 5 of the Departmental Manual](#) (318 DM 5) and the procedures in [FAR Subpart 1.5](#).

(d) Regulations and internal guidance under the DIAR System are issued pursuant to the authority of the Secretary of the Interior under [5 U.S.C. 301](#) and [40 U.S.C. 486\(c\)](#). This authority has been delegated to the Assistant Secretary-Policy, Management and Budget under Part 209, Chapter 4.1A of the [Departmental Manual \(209 DM 4.1A\)](#).

#### **1401.301-70 Definitions**

(a) "Implement," as used in this subpart, means coverage that expands upon or specifically indicates the manner of compliance with related higher level coverage.

(b) "Supplement," as used in this subpart, means materials for which there is no counterpart in higher-level coverage.

#### **1401.303 Publication and codification**

(a)(1) Implementing and supplementing regulations issued under the DIAR System are codified under Chapter 14 in Title 48, Code of Federal Regulations and shall parallel the FAR in format, arrangement, and numbering system.

(2)(i) Departmentwide regulations (see 1401.302(a)) are assigned Chapters 1401 through 1479 under 48 CFR, Chapter

(ii) Where material in the FAR requires no implementation, there will be no corresponding number in the DIAR. Thus, there are gaps in the DIAR sequence of numbers where the FAR, as written, is deemed adequate. Supplementary material shall be numbered as specified in [FAR 1.303](#).

(3)(i) Bureauwide regulations are authorized for codification in Appendices to Chapter 14 as assigned by the Director, PAM, in accordance with [1401.304\(a\)\(3\)](#).

Regulations implementing the FAR or DIAR are numbered using Parts 1401 through 1479. Supplementary material is numbered using Parts 1480 through 1499. Numbers for

implementing or supplementing regulations by bureaus/offices are preceded by a prefix to the number 14 (indicating Chapter 14-DIAR) for the organization indicated by lettered appendices as follows:

1. Bureau of Indian Affairs--BIA
2. Bureau of Reclamation--WBR
3. Interior Service Center--ISC
4. Bureau of Land Management--LLM
5. U.S. Geological Survey--WGS
6. Office of Surface Mining Reclamation & Enforcement--LSM
7. Minerals Management Service--LMS
8. National Park Service--FNP
9. U.S. Fish and Wildlife Service--FWS

(e.g., FAR 1.3 then DIAR 1401.3 [Department level] then in Appendix A, BIA 1401.3 [Bureau level]).

#### **1401.304 Agency control and compliance procedures**

(a)(1) The DIAR System is under the direct oversight and control of the Director, PAM, who is responsible for review and preparation for issuance of all Department-wide and bureau-wide acquisition regulations published in the Federal Register to assure compliance with FAR Part 1. Review procedures are contained in Part 401 of the [Departmental Manual \(401 DM\)](#) and (3) below. One copy of all material issued shall be furnished to the Director, PAM, at the time of issuance.

(2) The Director, PAM is also responsible for review and issuance of unpublished Departmentwide internal guidance under the DIAR System.

(3) A bureau wishing to issue bureauwide regulations shall submit a request to the Director, PAM, for authority to proceed with the regulation. The request shall include a justification for the regulation, a proposed outline of regulation and the significant contents of the coverage to be included. The Director, PAM, shall review the request to determine if the regulation should be considered for inclusion into the DIAR or FAR. If a determination is made that the regulation is appropriate for inclusion in DIAR or FAR, PAM will process the regulation accordingly. If a determination is made that the regulation is appropriate for inclusion in bureauwide regulations only, an appendix to 48 CFR Chapter 14 shall be assigned for the regulation by the Director, PAM, and authorization shall be granted for the bureau to proceed with the regulation in accordance with the procedures referenced in [1401.301\(b\)](#). Rulemaking notices shall be submitted to the Director, PAM, for processing of AS/PMB approval under [401 DM 1.4C\(3\)](#), before signature by the appropriate program Assistant Secretary.

(4) HCAs are responsible for establishment and implementation of formal procedures for oversight and control of all unpublished bureau-wide internal guidance issued to

implement FAR or DIAR requirements. These procedures shall be reviewed and approved by the Director, PAM and shall include -

1. Provisions for centralized issuance of all guidance and instructions using a directives system;
2. Methods for periodic review and updating of all issuances
3. Distribution processes which ensure timely receipt by all affected contracting offices; and
4. Provisions for maintaining compliance with [FAR 1.304](#).

(c) The Director, PAM is responsible for evaluating coverage under the DIAR System to determine applicability to other agencies and for recommending coverage to the FAR Secretariat for inclusion in the FAR.

### **1401.370 Interior Acquisition Regulation Council**

(a) The Interior Acquisition Regulation Council (IARC) is established for coordination with, and providing assistance to PAM in the development and maintenance of regulations and guidance under the DIAR System.

(b) The Chairperson of the IARC shall be a senior procurement analyst within PAM.

(c) Members of the IARC shall be limited to one senior acquisition official and one alternate from bureaus and offices with acquisition authority and the SOL, and the OSDBU.

(d) The IAR Council Chairperson shall determine when the council will meet and the agenda for the meeting. The chairperson is responsible for distributing minutes of each council meeting to all members.

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## **SUBPART 1401.4 -- DEVIATIONS FROM THE FAR AND DIAR**

### **1401.403 Individual deviations**

(a) The Director, PAM is authorized to approve deviations of FAR provisions (see [FAR 1.401](#)) or DIAR provisions which affect only one contracting action.

(b) Requests for deviations under (a) above shall be submitted by the BPC and include justification for the deviation.

(c) A copy of the approved deviation shall be included in the contract file.

(d) The Director, PAM shall transmit a copy of each approved FAR deviation to the FAR Secretariat as required in [FAR 1.403](#).

#### **1401.404 Class deviations**

- (a) The Director, PAM is authorized to approve class deviations of FAR or DIAR provisions which affect more than one contracting action.
- (b) Requests for deviations under (a) above shall be submitted by the HCA and include justification for the deviation and the number of contracting actions which will be affected.
- (c) For a FAR class deviation the Director, PAM shall consult with the CAA Council, as required in [FAR 1.404\(a\)\(1\)](#), before authorizing the deviation.
- (d) A copy of each approved class deviation shall be referenced in the contract file.
- (e) Recommended revisions to the FAR and a copy of each approved class FAR deviation shall be transmitted to the FAR Secretariat by the Director, PAM as required in [FAR 1.404](#).

#### **1401.405 Deviations pertaining to treaties and executive agreements**

- (d) The Director, PAM is responsible for transmitting to the FAR Secretariat the information required in [FAR 1.405\(d\)](#).
- (e) For deviations not authorized by [FAR 1.405\(b\) or \(c\)](#), the Director, PAM shall process the request for deviation through the FAR Secretariat.
- (f) Deviations authorized or requested under (d) or (e) above shall be submitted by the HCA to the Director, PAM for further action.

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### **SUBPART 1401.6 -- CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES**

#### **1401.601 General**

- (a) The authority and responsibility vested in the Secretary to contract for authorized supplies and services is delegated to Assistant Secretaries.
- (b) The contracting authority and responsibility delegated to Assistant Secretaries may be redelegated to heads of bureaus and offices under their supervision in accordance with [200 DM 3](#). Such redelegations are published in bureau chapters of the Part 200 series of the Departmental Manual.
- (c) Bureau heads and assistant or associate heads thereof (known as HCAs as defined in 1402.1) may redelegate contracting authority only as prescribed in [1401.603](#).

## **1401.602 Contracting officers**

### **1401.602-1 Authority**

(a) Information on the limits of CO's authority shall be maintained by the HCA as required in [FAR 1.602-1](#).

### **1401.602-3 Ratification of unauthorized commitments**

(b)(2) The HCA may redelegate ratification authority to the CCO as defined in Subpart [1402.1](#) and implemented in bureau procedures.

(c)(5) Legal concurrence is required prior to ratification of unauthorized actions greater than \$1000.

(d) Nonratifiable commitments shall be coordinated with theSOL.

## **1401.603 Selection, appointment and termination of appointment**

### **1401.603-1 General**

BPCs are authorized to select and appoint COs and terminate their appointment as prescribed in the [Department's "Contracting Officers' Warrant System Manual."](#) Copies of the manual may be obtained upon request from the Office of Acquisition and Property Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

### **1401.603-3 Appointment**

Purchase card holders will be appointed in writing in accordance with the bureau/office procedures within the constraints of DOI Guidelines for Purchase Card Use and the GSA Governmentwide contract guide and [DIAR 1413.602](#).

## **1401.670 Training, appointment and termination of appointment of contracting officers' representatives**

### **1401.670-0 Scope of section**

This section prescribes Departmental policies and procedures governing the training, appointment and termination of CORs.

### **1401.670-1 General**

When a CO elects to appoint an individual to act as an authorized representative in the administration of a contract, such appointment must be made in accordance with this Subpart 1401.670. The terms Contracting Officer's Representative or Contracting

Officer's Technical Representative may be used interchangeably to refer to such appointees. Pursuant to [FAR 7.5](#), this function may not be performed by individuals who are not federal employees, although contractors may be used to provide inspection or testing services.

### **1401.670-2 COR Certification Programs**

Bureaus and offices will maintain a program for certifying employees before they may be considered eligible for appointment as COR. As a minimum, the program will include procedures for reviewing candidate qualifications and certification of qualified COR's and maintenance of certifications. Bureaus must maintain a listing of certified COR's and records containing information on scope of eligibility or limitations on individual certificates, amounts and dates of training completed by certified COR's, and terminated certifications. CORs shall be appointed in writing on a "Certificate of Eligibility," DI 2014, which shall state any limitation on the scope of eligibility or other limitations.

### **1401.670-3 Certification Requirements**

(a) Bureaus will review qualifications of candidate COR's and certify their eligibility for appointment by a CO.

(1) In order to be certified as eligible to serve as a COR, the candidate must complete --

1. 24 hours training in general contracting, including major emphasis on contract administration topics, no more than 6 years prior to certification; and
2. any additional commodity specialty or other training required by bureau/office procedures.

(2) Certified COR's must complete a minimum of 8 hours additional training every 3 years in order to keep current with changes in procurement regulations and best practices or to develop additional expertise in relevant contracting topics or commodity specialties such as construction contracting.

(b) The HCA may waive the program requirements to permit an uncertified individual to be appointed or to serve as COR for no more than 6 months while completing training requirements. Such waivers are expected to be rare, and may not be extended. A copy of each waiver, including reasons why it was granted, must be provided to PAM within a week of its execution.

### **1401.670-4 Appointment**

(a) The appointment shall identify the contract(s) which the COR will monitor. The memorandum of appointment shall be countersigned by the COR and a copy returned to the CO or it may be sent and acknowledged electronically.

(b) A copy of the appointment shall be promptly forwarded to the contractor after issuance by the CO.

(c) Changes in the scope or limitations of authority shall be made in writing to the existing appointment or by issuance of a new appointment.

#### **1401.670-5 Limitations**

Each appointment of a COR made by the CO shall clearly state that the representative is not authorized under any circumstances to:

1. award, agree to, or execute any contract, contract modification, or notice of intent;
2. obligate, in any way, the payment of money by the Government;
3. make a final decision on any contract matter which is subject to the clause at [FAR 52.233-1](#), Disputes; or
4. terminate, for any cause, the contractor's right to proceed.

#### **1401.670-7 Termination**

Termination of a COR's appointment shall be made in writing by the CO and shall state the date such termination is effective. A copy of the termination shall be promptly forwarded to the contractor after issuance by the CO.

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### **SUBPART 1401.70 -- ACQUISITION REVIEWS**

#### **1401.7000 Scope of subpart**

This subpart sets forth requirements for review and approval of contract actions and the conduct of acquisition management reviews.

#### **1401.7001 Review and approval of contract actions**

##### **1401.7001-1 Review and approval by Assistant Secretaries**

Contract actions shall be reviewed and approved by Assistant Secretaries as prescribed in [211-255 DM](#). Their approvals shall be obtained before requesting any other approvals prescribed in the DIAR.

##### **1401.7001-2 Legal review by the Office of the Solicitor**

The Office of the Solicitor shall review for legal sufficiency selected types of contract actions from bureaus and offices. HCAs and the Associate Solicitor for General Law, Office of the Solicitor, are responsible for (1) determining the types of contract actions to be reviewed, and (2) establishing and issuing internal procedures for such reviews.

Matters relating to the legal reviews which cannot be resolved between the CO and the attorney-advisor shall be submitted for resolution to the HCA and the Assistant Solicitor for Procurement and Patents.

### **1401.7001-3 Administrative review and approval by bureaus and offices**

(a) Administrative review and approval requirements for contract actions shall be established by the HCA and issued as internal bureau procedures. The review and approval requirements must at a minimum, address a representative percentage of the overall contract actions within a bureau/office. The procedures shall include:

- (1) Identification of the type and dollar amounts of the actions to be reviewed based on the volume and nature of the contracting office workload;
- (2) Designation of the stage(s) in the acquisition process when the review(s) shall be performed;
- (3) Establishment of review and approval levels based on the type and dollar amount of the action and the capabilities of the reviewing office;
- (4) Establishment of information required for review of the action including a review and approval form and mechanism for follow-up on correction of deficiencies noted in the review; and
- (5) Provision for periodic review of procedures, and revision as required, to assure necessary controls are maintained.

### **1401.7001-4 Acquisition performance measurement systems**

(a) The acquisition performance measurement system is a three pronged approach that includes self assessment, statistical data for validation, and flexible quality reviews and assessment techniques. This system is required to (1) evaluate the effectiveness and efficiency of bureau and office acquisition systems; (2) assess the adequacy of policies, procedures and regulations governing the acquisition process; and (3) identify and implement changes necessary to improve the systems.

(b) HCA's are responsible for ensuring contracting activity compliance with law and regulations through the review and oversight process.

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