
CHARTER FOR ACQUISITION/ASSISTANCE AGREEMENT REVIEW COMMITTEE
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Illustration 1

CHARTER FOR ACQUISITION/ASSISTANCE AGREEMENT REVIEW COMMITTEE
General

1. GENERAL

1.1 Objectives. An Acquisition/Assistance Agreement Review Committee (ARC) shall be established and shall comprise a representative group of Bureau personnel in the Central Office and in the Area Offices, respectively. The objectives of an ARC are:

A. To review all proposed noncompetitive acquisition requests, with a view towards:

(1) Reducing the number of noncompetitive acquisitions and maximizing competition by reviewing the legitimacy of the acquisition objectives and the need to accomplish those objectives through noncompetitive means;

(2) Directing actions to foster competition in future acquisitions.

Noncompetitive acquisitions included in Acquisition Requests (AR) approved by each Acquisition/Assistance Agreement Review Committee (ARC) need not be reviewed again by the Committee provided that the noncompetitive procurement will be awarded within three months of the Committee review.

B. To review Acquisition Requests (AR) randomly selected by the Committee Secretary from a standpoint of sound business management, fiscal integrity, and appropriate acquisition strategy; and to offer recommendations when the proposed acquisition does not meet the standards of a sound acquisition.

C. To review annually, during the third quarter of the current fiscal year, all Acquisition Plans (AP) for the succeeding fiscal year to facilitate attainment of the Bureau's mission, its policy and contract acquisition objectives.

D. To review Central Office requests for assistance agreement transactions for compliance with Federal, Departmental, and Bureau policies for their use.

E. Review for approval/disapproval proposed Memorandum of Agreements (MOA) with other Federal agencies for carrying out Bureau programs/functions.

1.2 Composition of Committee. The Committee members are to be Senior executive and management personnel from the Bureau elements they represent who are knowledgeable of the operations of their elements.

A. For the Central Office, the following and voting elements are to be represented:

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- (1) Assistant Secretary Indian Affairs (Line Officer).
- (2) Division of Management Research and Evaluation.
- (3) Contracting and Grants Administration Staff.
- (4) Employee-Labor Relations Office.
- (5) Minority Business Enterprise Coordinator
- (6) Office Director (whose Request or MOA is under review), a voting but non-permanent member.

B. For Area Offices, comparable Senior executive and management personnel/elements are to be represented on their respective Committees.

C. The Chairperson of the Central Office Committee shall be the Assistant Secretary - Indian Affairs. The Chairperson for Area Office Committees shall be the Area Director and shall be a person who satisfies the requirements of 2.2C.

D. The Committee Secretary shall be a warranted Contracting Officer (Central/Area Office) and a voting member of the Committee.

E. Bureau Central/Area Office elements with representatives on their respective Committees shall submit their nominations for membership (which shall include an alternate of comparable professional status) for their elements to the Chairperson of the Committee via the Committee Secretary.

F. Should it be necessary for a Committee member to be absent from a Committee meeting, that member shall ensure that the alternate member of comparable professional status (as designated in paragraph 1.2E) attend. Each Committee Secretary shall maintain a current membership list and shall provide notice of all membership appointments to the Assistant Secretary - Indian Affairs (for Central Office) and to the Area Director (for Area Offices).

G. All Committees shall continue until such time as they are dissolved or suspended by the Assistant Secretary - Indian Affairs.

H. Requests for replacement of members will be by memorandum from the cognizant Bureau Central/Area Office element to the Chairperson of the respective Committee.

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General

1.3 Authority.

A. The Committee shall review and recommend approval or disapproval of:

(1) Acquisition Requests (AR) for all proposed noncompetitive acquisitions in excess of \$10 thousand.

(2) Competitive Acquisition Requests (AR) in excess of \$25 thousand (upon request).

(3) Competitive supply and equipment Acquisition Requests (AR) in excess of \$50 thousand (upon request).

(4) Competitive construction Acquisition Requests (AR) in excess of \$100 thousand (upon request).

(5) Acquisition Plans (AP) as required in accordance with IPR 14-1.500 and 19 BIAM Supplement 4, Acquisition Plan.

B. The Committee shall also review:

(1) Other Acquisition Requests (AR) periodically for conformance to law, policy, regulations, and sound business judgment.

(2) Central Office assistance/agreement proposals in excess of \$10 thousand that transfer Bureau funds, property or services to accomplish an authorized Bureau purpose of support or stimulation.

(3) Proposed Memorandum of Agreement (MOA) for a cooperative relationship with another Federal agency in carrying out Bureau program/function.

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Policy

2. POLICY

2.1 General. It is the policy of the Bureau to provide effective, efficient, and equitable contract/assistance agreement activities in order to advance the Bureau's mission, policies, and goals as an adjunct to strengthening Federal-Tribal intergovernmental relations. To this end, this Charter establishes as part of a management system the composition, structure, objectives, and procedures of an Acquisition/Assistance Agreement Review Committee (ARC) for each Bureau Contract Office activity.

2.2 Specific. The Senior line executive authority for each Bureau Contract Office activity shall take appropriate steps to implement the Acquisition/Assistance Agreement Review Committee (ARC) Charter upon formal issuance of this Supplement.

A. Central Office field contracting and assistance agreement activities shall each be subject to the jurisdiction of the Central Office Acquisition/Assistance Agreement Review Committee (ARC).

B. Contracts/assistance agreements negotiated under the authority of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 25 U.S.C. 450 et. seq.) are exempted from the provisions of this directive. Also exempted are the following: direct Bureau cash assistance to individuals, a subsidy, a loan, a loan guarantee, insurance, general welfare assistance, higher education scholarships assistance; and, those proposals governed by the Indian Child Welfare Act (Pub. L. 95-608, 25 U.S.C. 1901-1952), and the Tribally Controlled Community Colleges Act (Pub. L. 95-471, 25 U.S.C. 1801-1815).

C. The Committee review of proposed acquisitions shall satisfy the Federal Procurement Regulations [1-3.101(d)] requirement that contracts of more than \$10 thousand to be negotiated on a noncompetitive basis must be reviewed by an administrative level higher than the Contracting Officer.

D. The implementation of a functional ARC is mandatory for all Bureau Contract Offices. Bureau officials at all locations are charged to exercise the necessary management resources in formally institutionalizing Committee operations.

(1) The operations of the ARC are considered an integral part of the acquisition/assistance agreement planning process. As such, all Committee proceedings are subject to controlling elements of Federal guidelines that govern communications with contractors, prospective contractors, prospective grantees, and interagency relationships.

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Policy

(2) Any communication on pending or prospective acquisition/assistance agreement matters under consideration by the ARC shall be conducted through the appropriate Bureau Contracting Officer. (See 19 BIAM Supp. 6, Communications With Contractors and Prospective Contractors, and 19 BIAM Supp. 28, Ratification of Unauthorized Acquisition Acts). Under no circumstances are ARC deliberations, decisions or recommendations to be discussed outside of the Committee sessions except by the cognizant Contracting Officer acting in the capacity of an authorized agent for the Bureau.

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Functions and Responsibilities

3. FUNCTIONS AND RESPONSIBILITIES

3.1 Committee. The functions and responsibilities of the Committee(s) are, as follows:

A. Disapprove proposed noncompetitive acquisitions where adequate justification/rationale is not provided to support the acquisition and/or any internal management review or extra-agency program audit.

B. Direct action expected to foster competition in future Bureau acquisitions.

C. Assure that when noncompetitive acquisition is considered appropriate, the Committee and Contract Office files contain accurate, clear, and convincing justification/rationale sufficient to withstand management audit.

D. Review periodically Acquisition Requests (AR) selected by the Committee Secretary to ensure that principles of sound business management, fiscal integrity, appropriate acquisition strategy, and relevant product outputs/outcomes are consonant with the Bureau's mission, its policies and regulations.

E. Provide guidance and direction within the areas of authority of the individual Committee members serving as a Committee of the whole.

F. Review and provide guidance on all Central Office/Area Office Acquisition Plans (AP), respectively, as required by 19 BIAM Supplement 4, Acquisition Plan.

G. Review and approve/disapprove Central Office assistance agreement proposals over \$10 thousand for conformance to Bureau policy and guidelines as to scope and intent of use.

H. Review and approve/disapprove proposed Memorandum of Agreement (MOA) for a cooperative relationship with another Federal agency for carrying out Bureau programs/functions.

3.2 Committee Chairperson. The Chairperson shall:

A. Call meetings of the Committee, as required.

B. Preside over meetings, assign tasks, and exercise voting rights.

C. Ensure that meeting minutes are maintained with relevant and appropriate management information.

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CHARTER FOR ACQUISITION/ASSISTANCE AGREEMENT REVIEW COMMITTEE
Procedures

4. PROCEDURES

4.1 Meetings. The Committee will meet monthly (or as otherwise directed by the Chairperson) to ensure a prompt processing of Acquisition/Assistance Agreement Requests (AR), and of Acquisition Plans (AP) for the succeeding fiscal year. Other special meetings may be called by the Chairperson with three (3) days notice to members.

A. An agenda and copies of Requests to be reviewed and a notice of all meetings will be sent to each member and to each Request and Acquisition Plan (AP) initiator by the Committee Secretary.

B. A quorum shall consist of not less than three (3) members and shall include the Chairperson, the Secretary, and the Management Research and Evaluation representative.

C. At its meetings, the Committee shall require such information for each proposal presented as is necessary to facilitate a recommendation on the appropriateness of the acquisition or agreement and Acquisition Plans (AP) and to decide whether or not the proposed acquisition or agreement is in accordance with the Bureau's mission, its policies and regulations.

D. When the hearing on each proposal is concluded and the Committee has completed its discussion, a vote will be taken. The Committee's recommendations will be based on a simple majority vote of the permanent members present.

E. Following each meeting, the Committee Secretary will complete the Committee Report "Request Determination" (See Illustration 1 for Form to be used).

F. When the recommendations on each Request have been approved by the Chairperson, they will be submitted to the cognizant Contracting Officer for final review.

4.2 Review of Documents. The Committee shall review the following documents that have been supplied by the Request initiator to the Contracting Officer (who, as Committee Secretary, then prepares them for scheduling):

A. A copy of the complete proposed Acquisition/Assistance Agreement Request (AR), including the proposed Statement of Work, completed by the initiator of the request. The Statement of Work relating to any proposed acquisition will specify and describe the supplies or service(s) to be acquired. The Statement of Work, as part of the Request, will provide all the specifications or instructions the contractor needs both to understand and to complete the job. If the contract is to provide for control of effort by task

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instructions, all tasking must be in writing and subject to the same conditions as the Statement of Work cited above. (See 19 BIAM Supplement 3, Development of Acquisition Requests).

B. A complete justification/rationale establishing the impracticality of obtaining competition.

C. An analysis of why the requirement could not be satisfied by use of one, or a combination of, BIA resources or other Federal agencies.

D. During the third quarter of each Fiscal Year, a copy of the complete Acquisition Plan (AP) for the annual review of acquisition activities in excess of \$25 thousand proposed for the succeeding fiscal year. (In FY 1984 and thereafter, all items in excess of \$10 thousand will be included).

Documentation of the Committee's action in each case shall be included in the Committee files maintained by the Secretary. A copy of the Request shall be included in the official contract/assistance agreement file if the Committee has approved the request.

E. The proposed MOA shall be submitted in final draft form by the cognizant program official. If approved by the Committee, the formal copy of the MOA shall be prepared for signature of the Senior line executive (Central or Area Office).

CHARTER FOR ACQUISITION REVIEW COMMITTEE
Annual Review of Charter

5. ANNUAL REVIEW OF CHARTER

5.1 General. Each Committee will review this issuance annually and recommend changes in writing to the Contracting and Grants Administration Staff, Central Office (Code 660).

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FORM FOR REQUEST DETERMINATION

ACQUISITION/ASSISTANCE AGREEMENT REVIEW COMMITTEE | A.R.#

1. The Committee has reviewed the Acquisition/Assistance Agreement Request (or MOA) and heard from the following:

NAME	PHONE NO.	CODE	FUNCTION

2. As a result of the hearing, the Committee has: (Check appropriate response)

a. Approved this Request for (contracting) (assistance agreement) (MOA) with the following exceptions:

b. Disapproved this Request.

c. Deferred decision hereon to a later date. (Date: _____)

3. The major factor(s) for this decision was/were:

4. Other comments:

CHAIRPERSON (Signature)	DATE	CONTRACTING OFFICER (Signature)	DATE