

**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)**



**USDA ACQUISITION MANUAL (AGAM)**

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ISSUED BY: Office of Contracting & Procurement (OCP) Procurement Policy Division (PPD)

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# Part 4001 Federal Acquisition Regulation System

## 4001.001 Scope of Part

The Senior Procurement Executive (SPE) issues the United States Department of Agriculture (USDA) Acquisition Manual (AGAM). It establishes uniform department-wide acquisition procedures, which implement or supplement Federal Acquisition Regulations (FAR) and the USDA Acquisition Regulation (AGAR), along with other agency regulations and statutory requirements. Contracting Activities are not authorized to further expand, supplement, or deviate from the FAR, AGAR, or AGAM.

## Subpart 4001.1 Framework

### 4001.104 Publication and Code Arrangement

(b) This Manual uses the prefix 4001 and follows FAR and AGAR numbering conventions. The AGAM specifies paragraphs for supplementation or implementation. For instance, AGAM 4001.104 supplements FAR 1.104(b) and will only cite paragraph (b). If there is no FAR counterpart, a suffix starting with "70" is used, or a range within 70-79 for successive sections. Supplemental sections align with the closest corresponding FAR citation.

## Subpart 4001.2 Agency Acquisition Regulations

### 4001.201-73 Amendments to the AGAR and AGAM

(a) The Contracting Policy Advisory Board (CPAB) manages policy changes to the AGAR, AGAM, Departmental Directives, and other policies. The CPAB's primary role is to screen, manage, prioritize, and implement national procurement policy changes, using updates from Federal agencies like the Office of Management and Budget (OMB) and the FAR Council. The board will consider updates from USDA-wide agencies.

(b) The USDA Procurement Policy Division (PPD) chairs the CPAB, and the board is comprised of the SPE, Procurement Systems Division (PSD), Head of the Contracting Activity (HCA), and each Chief of Contracting Office (COCO).

(c) All changes and/or updates will originate with a change request (CR) and will be processed through the CPAB. PPD will prepare and issue CRs to initiate updates when the change is a result of specific guidance from OMB or other regulatory authority.

(d) Operational contracting units throughout the agency are encouraged to submit CRs anytime a revision or update is needed to the AGAR, AGAM, or its appendices. E-mail CRs to PPD at [procurement.policy@usda.gov](mailto:procurement.policy@usda.gov) with "Policy Change Request" in the subject line. The e-mail must contain the following information:

1. Summary of the issue / topic being addressed.

2. Discussion/rationale for the CR.
3. Cite specific reference (FAR, AGAR or AGAM Part, Subpart, Section, etc.)
4. Attach supporting documentation, if necessary.
5. Documentation that the COCO supports the CR.

## Subpart 4001.4 Career Development, Contracting Authority, and Responsibilities

### 4001.401 Contracting Functions

#### *4001.401-73 Roles and Responsibilities of the Acquisition Team*

(a) The COCO and the Mission Area Senior Program Manager (MASPM) oversee acquisitions within each Contracting Activity as a team. At USDA, acquisition responsibilities vary by the requirement's value, complexity, and content, and are delegated accordingly:

1. Basic Requirements (e.g., office supplies, janitorial services): Handled by staff with general procurement training.
2. Moderate Complexity (e.g., professional services, basic construction): Require additional training to protect the government's interests.
3. High Complexity (e.g., major construction, IT development): Need highly certified program managers, specialized Contracting Officers, and experienced Contracting Officer Representatives.

<b>Acquisition Role</b>	<b>Examples of Mission Area Activity Staff/Series/Title</b>
Program/Project Manager (P/PM)	Any Mission Area personnel who have technical knowledge of the requirement and have the authority to make decisions on what can be purchased. May need to be certified as a FAC-P/PM.
Contracting Officer's Representative (COR)	Any Mission Area personnel who have technical knowledge of the requirement and have been certified as a FAC-COR.
Contract Specialist (CS)	Contract Coordinator, Procurement Technician, Purchasing Agent,  Contract Specialist
Contracting Officer	Warranted Purchasing Agent, Warranted Contract Specialist who holds a FAC-C

(b) Program offices decide what to buy and when to buy. The Contracting Officer determines how to buy, the conduct of the buying process, and executes the contract.

(c) Program personnel, using the contracting process must ensure:

1. Work with Contracting to submit complete requirement packages on schedule, clearly defining all needs to ensure prompt contract awards.
2. Procurement Forecasts are entered into the [Procurement Forecast Tool](#) for all awards over the Simplified Acquisition Threshold.
3. Quality standards are prescribed and met;
4. Performance or delivery is timely; and
5. Files are documented to substantiate the judgments, decisions, and actions taken.

(d) The "[Acquisition Process Roles and Responsibilities](#)" provides guidelines for typical acquisitions but is not exhaustive. The listed office, not the specific role, is responsible for actions. Refer to the [Federal Acquisition Institute \(FAI\)](#) site for required competencies and actions for each role.

#### *4001.401-74 Federal Acquisition Certification Overview*

(a) Contracting Activities must offer Acquisition Workforce employees training to maintain skills for delivering best value supplies and services, finding business solutions, and advising agency missions. Each COCO, on behalf of the SPE, must develop and maintain an acquisition career management program in compliance with mandatory training and experience standards in this Manual.

#### *4001.401-75 Acquisition Workforce Career Management Program*

(a) All Acquisition Workforce employees, including CORs and contracting professionals, must plan initial certification and Continuous Learning (CL) training with their supervisors using their Individual Development Plan in AgLearn.

(b) OCP/PPD will issue policies, procedures, training plans, and guidance for implementing Acquisition Workforce mandates and will make final determinations on mandate applicability.

(c) The HCA will:

1. Manage Contracting Officer appointments; and
2. Ensure the Acquisition Workforce uses FAI CSOD.

(d) The COCO will establish an Acquisition Workforce accountability system that:

1. Sets a performance standards for contracting;

2. Includes checks and balances;
3. Includes external and internal reviews;
4. Involves annual appraisals;
5. Identifies effective and ineffective performance;
6. Ensure supervisors and ACMDs understand and comply with program requirements;
7. Ensure supervisors and/or ACMDs schedule and evaluate training;
8. Manages CL completion;
9. Reviews Contracting Officer requests and convenes Contracting Officer Warrant Boards; and
10. Approves the Certificates of Appointment for Contracting Officers.

(e) Contracting Activity ACMDs will:

1. Review supervisor-assessed needs and submit Contracting Officer appointments and acquisition workforce certifications to the ACM;
2. Assist Acquisition Workforce in planning and scheduling training;
3. Assist COCO in preparation and submission of warrant and waiver requests;
4. Review/approve certification and CLP requests timely;
5. Monitor and evaluate employees training programs;
6. Advise Contracting Officers to save and display Certificates properly; and
7. Track and generate CL progress reports quarterly, providing them to FAC-C certified employees, non-certified warranted employees, their supervisors, and the COCO. These reports should include the number of CLPs each employee has earned during the current CL cycle.

(f) Supervisors will:

1. Assess needs and recommend employees for Contracting Officers appointments.
2. Include performance standards in employees' annual performance plan.
3. Discuss certifications, CLPs, and training during quarterly performance reviews and annual appraisals:
4. Assist in planning and scheduling training;

5. Assist COCO in preparation and submission of warrant and waiver requests;
6. Review/approve certification applications and assign CLP training;
7. Monitor and evaluate employee training progress; and
8. Ensure proper display of Certificates by Contracting Officers.

(g) Employees will:

1. Maximize use of developmental experiences and training opportunities as required and as authorized by supervisors;
2. Collaborate with supervisors and ACMDs on training plans;
3. Maintain an updated FAI CSOD transcript with all relevant certifications and documents;
4. Consistently monitor competencies and actively work to achieve and maintain proficiency;
5. Discuss certifications, CLPs, and training progress with supervisors during quarterly reviews;
6. Know the two-year CL period end date and complete all CL requirements before it ends; and
7. Understand that failure to meet CL requirements may result in warrant suspension, with reactivation contingent on meeting CL standards confirmed by the ACMD.

## 4001.402 Contracting Officers

### 4001.402-2 *Responsibilities*

(d) Contracting Officers are encouraged to request legal advice at any phase of the acquisition process. Contracting Officers must submit enough information to facilitate legal review to the Office of the General Counsel (OGC) via the COCO, unless otherwise directed. OGC will review the package and determine legal sufficiency. If the OGC cannot respond within ten working days, the Contracting Officer shall annotate the file and proceed without OGC review. Urgent requests should be escalated through the COCO to the HCA.

1. OGC recommendations are advisory. The Contracting Officer has final decision authority and must document any major differences from OGC advice in the contract file.
2. Contracting Officers should note in the contract file if legal review is not obtained. OGC review is recommended for documents submitted to the



HCA/SPE. Submit OGC recommendations or the decision for lack of OGC review with the package.

3. For OGC locations, see [USDA OGC Office Locations](#).

## 4001.404 Contracting Officer's Representative (COR)

### 4001.404-70 COR Nomination

(a) During acquisition planning, the Contracting Officer will assess risk factors (e.g., complexity, contract type) to determine if a COR is needed and the appropriate COR level. FAC Level III CORs are required for major investments. Use the COR Designation Criteria Matrices for guidance. All COR designees must have a current FAC-COR certification.

### COR DESIGNATION CRITERIA MATRICES

#### COR Level I:

Factor	Description
Risk	Minimal risk associated with project
Sensitivity or Complexity	Basic inspection and acceptance (e.g., Commercial Off the Shelf (COTS) or standard supplies).
Number and Location of Performance Sites	Noncomplex shipping/delivery at a single domestic delivery site.
Impact of Delay	Delay won't seriously affect mission and can be easily resolved.
Visibility	Little or no internal or external interest anticipated.
Contract Type/Structure	Firm fixed price contracts with basic provisions.
Special Considerations	No rights in data or government property required; No Personally Identifiable Information (PII) or security concerns.

**COR Level II:**

<b>Factor</b>	<b>Description</b>
Risk	Moderate to significant risk
Sensitivity or Complexity of What is Being Procured	Moderately complex requirements; general project management for supply and service contracts.
Number and Location of Performance Sites	Moderately complex shipping/packaging/delivery (e.g., multiple customers with competing requirements; multiple deliverables or sites).
Impact of Delay	Moderate impact on mission; moderate degree of impact on follow-on or interdependent projects..
Visibility	Moderate degree of internal or external interest anticipated (e.g., Mission Area or Departmental).
Contract Type/Structure	Complex FFP and Non-FFP contracts (e.g., cost, time, and materials).
Special Considerations	Moderate level of oversight required to assure government/contractor rights in data or government property; Moderate security concerns relating to contract classification or PII data.

**COR Level III:**

<b>Factor</b>	<b>Description</b>
Risk Factor	Significant or high risk
Sensitivity or Complexity of What is Being Procured	Highly complex requirements; professional and technical services closely associated with inherently governmental functions; critical function; continuous oversight or technical direction required (e.g., developmental; new or emerging technologies; poor or no performance history)
Number and Location of Performance Sites	Highly complex shipping/packaging/delivery (e.g., requiring export; staging of shipments; multiple customers with competing requirements; multiple deliverables or sites; foreign performance site(s)) (span of control)
Impact of Delay	Serious impact on mission; high degree of impact on follow-on or interdependent projects; time is critical due to urgency, weather, or long lead time items in critical path (e.g., contingency contract)
Visibility	High degree of internal or external interest anticipated (e.g., GAO oversight; congressional engagement; other special interests)
Contract Type/Structure	Complex FFP contracts and non-FFP contracts (e.g., letter contract; cost-type contract; contract financing provisions required; hybrid contract; incentives; time and materials contract)
Special Considerations	High level of oversight required to assure government/contractor rights in data or government property; Significant security concerns relating to contract classification or PII data

(b) COR nomination and designation requirements are as follows:

Category	Submitted/Issued By	Requirement
COR/Alternate COR Nomination	Program Office	COR Nomination
COR/Alternate COR Designation	Contracting Officer	COR Designation COR Designation – Alternate

(c) CORs must be nominated as early as possible in the procurement process, but no later than two weeks after the period of performance starts.

(d) For BPA or IDV awards with one COR assigned to multiple calls/orders, only one nomination form at the award level is needed. If a different COR is assigned to individual calls/orders, both a “COR Nomination” and “COR Designation” must be completed for each COR.

(e) Alternate CORs may be assigned at the discretion of the Mission Area and Contracting Officer. The Alternate COR must meet COR qualifications and complete the COR Nomination and COR Designation – Alternate forms. This ensures oversight continues if the primary COR is unavailable. The time an Alternate COR provides oversight counts towards COR certification.

(f) When a COR is nominated, COs must send the “COR Designation” to the contractor. If a COR needs to be replaced, new nomination and designation forms must be completed and signed by the appropriate approving authority.

(g) The following matrix shows the approving authority for COR nominations and the experience requirements to meet FAC-COR qualifications. Alternate CORs gain experience when they provide oversight in the absence of the primary COR.

COR Level	Approving Authority	Experience Required
Level 1	COR Supervisor	No prior experience required.
Level II	COR Supervisor	One year of experience.
Level III	COR Second Line Supervisor	Two years of experience; can include oversight as an Alternate COR

(h) Examples of adequate experience documentation include:

1. Appointment letter/Designation memorandums signed by the Contracting Officer;  
or

2. An email or signed letter from a Contracting Officer.

(i) Experience gained outside USDA may be more difficult to validate and should be discussed with the Contracting Activity ACMD before submitting documentation for certification in FAI CSOD.

(k) The following do not necessarily meet required experience to request a COR certification:

1. Technical Monitors
2. Task Monitors
3. Government Inspectors for Simplified Acquisitions
4. Interagency Agreements
5. Financial Assistance Instruments
6. Invoice Approving Officials
7. Requirements Developers
8. Others (who assist contracting officers in managing their contracts)

(l) Employees should use the [FAI CSOD task aid](#) to document training and experience for FAC-COR certification. Do not submit an equivalency/fulfillment request for external training approval; instead request the certification, choose the Agency Alternative Training Path, then attach external training certificates.

(m) Individuals with current DoD COR certification under DoDI 5000.72 may receive equivalent FAC-COR certification if they meet FAC-COR experience, CL requirements, and the agency ACM approves. They must provide their ACMD with the documentation supporting their DoD COR certification, experience, and CL history.

(n) USDA requires completion of CPARS Overview and FAC 089, Writing Quality Past Performance Evaluations. Employees should follow [FAI's training guidance](#) for each COR level. Initial training must be from FAI, DAU, or equivalent providers. Commercial training is acceptable if it meets FAI's competency requirements. Employees should consult their ACMD before enrolling in courses, as USDA does not evaluate course material for credit.

(o) Training must include COR roles, responsibilities, and fundamental contract rules/regulations. FAC-COR certification training is valid for two years. The USDA ACM may determine suitable timeframes for training acceptance. An assignment of specific training may be completed to supplement the core business and technical competencies. Requests to use experience in lieu of training (fulfillment) will not be considered.

(p) After certification, CORs must know the two-year CL period end date and complete all CL requirements before it ends; and CORs not meeting CL requirements may have their appointments suspended or rescinded until requirements are met and confirmed by their ACMD.

## **4001.405 Ratification of Unauthorized Commitments**

### **4001.405-70 Examples of Unauthorized Commitments**

(a) Examples of unauthorized commitments include:

1. Commitment for continuation of services or delivery of supplies under an expired contract, purchase order, or delivery order.
2. Allowing performance of work or delivery of supplies prior to issuance of a contract, purchase order, or delivery order.
3. Commitment which exceeds the call limit on a BPA.
4. Commitment under an award by a person who is not delegated authority (i.e., COR, program office).
5. Commitment which continues contract services over and above the original scope and dollar amount; or
6. A commitment made by an otherwise authorized Contracting Officer.

(b) See the Government Purchase Card (GPC) Manual for information on what would constitute an unauthorized commitment or otherwise require a ratification when using the GPC.

### **4001.405-71 Initial Notification of an Unauthorized Commitment**

(a) Contracting Officer Responsibilities:

1. When contracting personnel learn of an unauthorized commitment or vendor performance due to actions by an unauthorized official, the Contracting Officer must immediately notify the vendor to stop performance on unauthorized portions of the work, inform the employee and their supervisor of the unauthorized commitment, and follow up verbal notifications with written confirmation (email or letter) that includes the following:
2. Summary of the verbal discussion instructing the vendor to immediately discontinue performance, including the date and time of the discussion.
3. Description of unauthorized services being performed.
4. Statement: - "A claim for payment for any future unauthorized commitment action is subject to resolution of the Federal Acquisition Regulation (FAR) 1.602-3(b)(5)

under the Contract Disputes Act of 1978 and should be processed in accordance with FAR Subpart 33.2, Disputes and Appeals.

5. An invoice submitted prior to ratification is not considered proper because no contract was in place at the time of the unauthorized commitment. Therefore, the following steps should be taken:
6. Reject any invoice received prior to the ratification. Inform the vendor that the invoice will be readdressed once the unauthorized commitment procedures are complete.
7. If an invoice is received prior to ratification, and was erroneously approved, contact the Contracting Activity finance office immediately.
8. Contact the COCO to obtain an assigned control # and provide pertinent tracking information.
9. Provide the “UAC Request to Ratify an Unauthorized Commitment” to the employee who made the unauthorized commitment. Assist the employee with addressing the data and information needed in the request for ratification, as appropriate.

(b) The Employee who made the Unauthorized Commitment shall:

1. Complete the “[Request to Ratify From](#)” and include all facts and pertinent documentation to support the ratification request, including actions taken to ensure a UAC won’t be committed in the future.
2. Consult with the Contracting Officer to ensure the accuracy of the request. Provide an editable copy for feedback and recommendations.
3. Ensure the budget official and all managers in the employee’s supervisory chain sign the request to ratify.

(c) The Employee’s Supervisor and Senior Executive Service (SES) member shall:

1. Unauthorized commitments violate federal laws and regulations, potentially leading to personal liability or adverse personnel action for the responsible employee. Supervisors must actively prevent unauthorized commitments, communicate this policy, and may be held accountable for pressuring employees into improper purchases.
2. Ensure the employee who made the unauthorized commitment provides information that is accurate, complete, and includes facts, pertinent records, and documentation to support the ratification request.
3. Ensure the budget official signed the ratification request. Forward the request to the SES.

4. The Supervisor and SES must ensure timely processing to meet the 180-day total processing time for UACs (including final approval/disapproval by the Ratifying Official).
5. Upon approval by the SES, Request to Ratify form is returned to the employee. If not approved, the Supervisor shall address any employee issues with HR.
6. Disciplinary actions (whether ratification is approved or disapproved) are at the discretion of the individual's supervisor and SES. The supervisor should consider factors such as the dollar value of the unauthorized commitment, whether the individual has repeatedly committed unauthorized actions, and the specifics of the action (i.e., lack of knowledge or training, pressure by someone else, etc.).

#### *4001.405-72 Receipt of Ratification Request*

(a) Once the Contracting Officer receives the completed “Request to Ratify From” from the responsible employee, the following steps shall be taken:

1. Ensure the accuracy and completeness of the information received from the employee who made the unauthorized commitment and ensure the budget official, supervisor and SES have signed the ratification request.
2. Complete the “Contracting Officer's Determination and Findings for Ratification” to support the Contracting Officer's decision to recommend approval or disapproval of the request to ratify the unauthorized commitment.
3. If the UAC cannot be ratified but the government has received and accepted goods or services, the Contracting Officer should determine fair and reasonable payment due and resolve the UAC by contacting the Contracting Activity finance office for payment processes.
4. Submit the request for review and approval through the supervisory chain.
5. Immediately advise the employee who made the unauthorized commitment of the Ratifying Official's decision to ratify or not to ratify.

(b) The Contracting Officer's Supervisor shall:

1. If a Contracting Officer made an unauthorized commitment, assign a different Contracting Officer to process the unauthorized commitment.
2. Ensure the information in the ratification request is accurate and complete, and includes facts and pertinent records or documentation, if applicable, to include:
3. Supplies or services were provided to and accepted by the Government, or the Government otherwise obtained or will obtain a benefit resulting from the performance of the unauthorized commitment.

4. The action would have been proper if made by an appropriate Contracting Officer.
5. The Contracting Officer reviewing the unauthorized commitment determines the price is fair and reasonable.
6. Ensure the budget official and all appropriate managers in the employee's supervisory chain, to include the SES, signed the request.
7. Recommend approving or disapproving the "[Contracting Officer's Determination and Findings for Ratification](#)", depending on the circumstances and the supporting data.
8. If the UAC is disapproved, return the "[Contracting Officer's Determination and Findings for Ratification](#)", to the Contracting Officer. If the UAC is approved, forward the determination to the Ratifying Official.
9. Ensure timely processing to meet the 180-day total processing time for UACs (including final approval/disapproval by the Ratifying Official).

(c) The COCO is the Ratifying Official and shall:

1. Review the documentation and if changes are required or additional documentation needed, notify the Contracting Officer.
2. Approve or disapprove the he "[Contracting Officer's Determination and Findings for Ratification](#)", depending on the circumstances and the supporting data.
3. Approval of the "[Contracting Officer's Determination and Findings for Ratification](#)", is the "Ratification". The Ratifying Official doesn't sign or approve the contract action to obligate funds.
4. Provide a copy of the approved/disapproved form to the appropriate Contracting Officer.
5. Ensure timely processing to meet the 180-day total processing time for UACs.

#### *4001.405-73 Approval of Ratification*

(a) The Employee's responsibilities are:



<b>Condition</b>	<b>Action</b>
Ratification is approved, is within micro-purchase threshold, and payment has not been made.	<ul style="list-style-type: none"> <li>• Pay using GPC;</li> <li>• Submit a "no-commit" requisition for GPC Payment; or</li> <li>• Submit a funded requisition.</li> </ul>
Ratification is approved, it exceeds the micro-purchase threshold, and payment has not been made.	<ul style="list-style-type: none"> <li>• Submit "no-commit" requisition for GPC payment by Contracting Officer; or</li> <li>• Submit a funded requisition.</li> </ul>

(b) Any cardholder making payment must upload required attachments of findings from UAC.

(c) If the request to ratify is not approved, the employee making the unauthorized commitment may be personally liable for payments of the supplies/services. The employee should then consult with their supervisor and the Contracting Officer to determine the next steps.

(b) The Contracting Officer will ensure the vendor is registered in the System for Award Management then proceed with payment using one of the following conditions:

<b>Condition</b>	<b>Action</b>
Ratification is approved, is within micro-purchase threshold, and payment has not been made.	<ul style="list-style-type: none"> <li>• Pay using GPC;</li> <li>• Create a modification in procurement system (if there was a previous award); or</li> <li>• Create a new order in the procurement system.</li> </ul>
Ratification is approved, it exceeds the micro-purchase threshold, and payment has not been made.	<ul style="list-style-type: none"> <li>• Create a modification in the procurement system (if there was a previous award with an associated the Federal Procurement Data System (FPDS) record);</li> <li>• Create a new award in the procurement system with an associated FPDS record; or</li> <li>• Create manual FPDS record if Emergency Incident paid via GPC.</li> </ul>
Ratification is approved; it exceeds the micro-purchase threshold using the GPC (whether paid or unpaid).	<ul style="list-style-type: none"> <li>• Create a modification in the procurement system (if there was a previous award with an associated the FPDS record);</li> <li>• Create a new award in the procurement system with an associated FPDS record; or</li> <li>• Create manual FPDS record if Emergency Incident paid via GPC.</li> </ul>

The Contracting Officer will also complete the following:

1. Maintain a copy of all documentation.
2. For actions in the approved procurement system, include a statement in the description field: “This action is a Ratification of an Unauthorized Commitment”. If using the GPC, identify the purchase as GPC purchase (see the [IAS User Guide](#) for entering awards as GPC).
3. For actions in FPDS, include a statement in the description field: “This action is a Ratification of an Unauthorized Commitment”. If using the GPC, select “Yes” for “Purchase Card Used as Payment Method”.
4. There is no further action if the Ratifying Official approves the request, the total dollar value of purchases creating the Unauthorized Commitment does not exceed the micro purchase threshold, and payment has been made.
5. The Prompt Payment Act authorizes interest after a properly completed invoice is submitted and a specified time has elapsed without payment. Interest cannot accrue until the ratified action is authorized and a proper invoice is submitted.
6. If the ratification is approved, and award is made through the approved procurement system, issue the contract and instruct the vendor to submit a proper invoice with the appropriate contract number and any other revised invoice information through the Invoice Processing Platform (IPP).
7. If the ratification is approved, and payment is made with the GPC, a requisition will be received in the approved procurement system for award if the amount is over the micro purchase threshold.
8. If the unauthorized commitment cannot be ratified but the Contracting Officer determines payment is due, request a revised invoice.
9. If the unauthorized commitment cannot be ratified and/or the Contracting Officer determines payment is not due, coordinate with the vendor.

(c) The COCO shall:

1. Implement measures such as training and pre-award reviews to prevent unauthorized commitments.
2. COCOs must log and report unauthorized commitments semi-annually to OCP/PPD. By April 30th and October 30th each year, send a list of the previous fiscal year's unauthorized commitments to [procurement.policy@usda.gov](mailto:procurement.policy@usda.gov). The list should include: purchase description, date, amount, name and supervisor of the person responsible, whether the UAC was made using the GPC or not, whether each unauthorized commitment was ratifiable, an explanation if ratification is not

approved, and explanation, along with an action plan, if a ratification was not processed within 180 days.

3. COCOs will provide a quarterly summary of UACs and ratifications to the Contracting Activity Chief Operating Officer (COO).

# Part 4005 Publicizing Contract Actions

## Subpart 4005.1 Presolicitation

### 4005.102 Paid Advertisements

(a) Policies and procedures regarding approval of Communications/Information Products and Services (CIPS) to advertise proposed contract actions over \$25,000 other than newspapers are contained in [USDA Departmental Regulation \(DR\) 1497-001](#). Approval must be obtained prior to submission of a purchase request(s). Communications/Information Services and Products include, but are not limited to:

1. Communications Research and Planning is the full range of communications and social marketing research services;
2. Integrated Marketing;
3. Outreach and Engagement;
4. Media Relations;
5. Communications Materials and Product Development;
6. Web Design, Development, and Management;
7. Social marketing; or
8. Writing, publishing, or producing articles, news items, new stories, pamphlets, logos, print media, exhibits, scripts for radio or television, scripts for film presentations, radio broadcasts, television broadcasts, films, or filmed material.

# Part 4006 Competition Requirements

## Subpart 4006.1 Presolicitation

### 4006.104 Justification and Approval

(a) All Contracting Activities are required to use the mandatory Justification and Approval templates found on the [Acquisition Workforce SharePoint](#). No other templates are authorized. Periodic changes or updates to the template may occur, therefore it is essential to ensure that the most current version is being used. Requests for changes to the template can be submitted to the Office of Contracting and Procurement (OCP) through the Procurement Policy Division (PPD) at [procurement.policy@usda.gov](mailto:procurement.policy@usda.gov). The following are the current templates authorized for Justifications and Approvals under FAR Part 6:

1. [FAR 6.103 Justification and Approval](#)
2. [Sole Source 8\(a\) Contract over \\$25M Justification and Approval](#)

# Part 4010 Market Research

## 4010.001 Market Research Requirements

(e) Mandatory Market Research templates can be found on the [Acquisition Workforce SharePoint](#) site. The following are the current templates authorized for Market Research:

1. [Market Research Report - All](#)
2. [Market Research for Task/Delivery Orders, Blanket Ordering Agreement Orders, and Blanket Purchase Agreement Calls over the Simplified Acquisition Threshold placed against USDA contracts.](#)
3. Market Research for Emergency Acquisitions in accordance with AGAR 418.001-71.

## Part 4011 Describing Agency Needs

### Subpart 4011.2 Selecting and Developing Requirements Documents

#### 4011.202 Standardization Program

(a) Standardized requirements documents such as Performance Work Statements, Statements of Work, etc., can be found on the [Acquisition Workforce SharePoint](#).

## Part 4018 Reserved

This Part is reserved.



## Part 4026 Reserved

This Part is reserved.

## Part 4029 Reserved

This Part is reserved.

## Part 4031 Reserved

This Part is reserved.

## Part 4034 Reserved

This Part is reserved.

## Part 4035 Reserved

This Part is reserved.

# Part 4036 Construction and Architect-Engineer Contracts

## Subpart 4036.2 Evaluation and Award

### 4036.202 Architect and Engineering Services

#### *4036.202-2 Selection Authority*

(a) The [AE Selection Report template](#) shall be used for all acquisitions over the Simplified Acquisition Threshold.

#### *4036.202-4 Short Selection Process for Contracts not to Exceed the Simplified Acquisition Threshold*

(a) The board is encouraged to use the [AE Selection Report template](#) for consistency.

(b)(1) The Chairperson shall use the use the [AE Selection Report template](#).

# Part 4043 Modifications

## Subpart 4043.2 General

### 4043.203 Types of Contract Modifications

(a)(3) Requests for time extensions shall be handled as follows:

1. Do not grant time extensions for the contractor's convenience or without justification. Consider the effect of all contract modifications on contract performance time and document the reasons for any time extension in the contract file. Granting additional contract time has value to the contractor and is also a change to contract terms and conditions; therefore, grant only in exchange for consideration to the Government.
2. If a time extension was granted on a contract, negotiate a price reduction or another form of consideration.
3. When negotiating a price reduction, the administrative cost for contracts and modifications is \$500. The [Consideration Calculator](#) can be used to calculate consideration costs.
4. Contracting Officers have authority to grant time extensions but may not delegate this authority to others.
5. The COR reviews the written requests from the contractor; ensures requests specify the length of time, and the stated circumstances warrant an extension.
6. The COR forwards the requests, along with the COR's recommendation, to the Contracting Officer for a determination.

### 4043.204 Notification of Contract Changes

#### *4043.204-70 Constructive Changes*

(a) A constructive change happens when a contractor does work different from the contract terms due to an informal order from the government or an error by the Contracting Officer or their representative. The COR must promptly forward any written notice from the contractor indicating they considered an oral order to be a change. The Contracting Officer will then determine if it was an unauthorized commitment and, if so, follow the procedures for Ratification of Unauthorized Commitments in 4001.405.

(b) A Request for Equitable Adjustment (REA) is a proposal from the contractor to the Contracting Officer seeking an increase in the contract price due to a constructive change. Constructive changes are caused by government actions or inactions that alter the contract terms, resulting in increased costs for the contractor. REAs cannot be used to

address changes in economic conditions like inflation. Contracting Officers are not authorized to use REAs to adjust contract pricing due to economic changes.



## Part 4050 Reserved

This part is reserved