

MAC Process Improvement
Case Files

**PHOTOCOPY
PRESERVATION**

Responded To

**PHOTOCOPY
PRESERVATION**

To: MAC Members

From: Steve Marshall

Re: RCERT Process Improvement and Impediment Submittals

Enclosed are the copies of submittals from the RCERT which you'll want to bring to the April 4 Mac Meeting. Progress has been made on at least two additional submittals: MAC 7 (FEMA issue) and MAC 14 (FAR Waiver). We'll have information on that when you come to the meeting. If you've got questions you can reach me by phone at 202/205/1373 or FAX at 202/205/1271.

Steve

Summary Sheet

Process Improvements and Impediments

Process Improvement No. _____

Issue: *Environ. Assess*

Type: ☐ Policy
☒ Administrative
☒ Regulatory
☐ Legislative

Agency Involved: *ALL*Date Initiated: *Nov. 9, 1993*

By Whom:

☐ State CERT
☐ Reg. CERT
☒ Agency
☐ Other

Contact Name and Phone:

Bud Fischer
RDA - Fm HA
503/326-2731

ACTION:

Date sent to Agency:

Date Responded:

N/A

Contact Name and Phone:

Response:

Date sent to Reg. CERT: *Nov. 9*Reg. CERT Response: *Send to MAC*

Contact Name and Phone:

Scott Duff
503/326-2731

Date sent to MAC: *Nov. 9, 1993*

MAC Response:

- Share data among Agencies
- Possible M.C.U. to clarify

Contact Name and Phone:

Jennifer Pratt
202/690-0758

Any Follow up Action:

R CERT to draft Response - Ken Brooks working on this

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: *Dec. 15, 1993* by Whom: *Jennifer Pratt*

Method:

☐ Mail
☒ Meeting handout

☐ FAX☐ Bulletin Board

**Improving the Federal Assistance
Delivery System**

11/30/93

Response No. 001

• MAC Response to RCERT Suggestion •

Focus: Environmental Assessments (EA)

Issue: The system would be improved if a project-specific EA conducted by one federal agency could be accepted by all other agencies.

The Bottom Line: The EA process takes time and it is felt that it is inefficient for each agency to repeat the process in order to do its own EA.

Date Rcvd: November 9, 1993

Date of Initial Response Meeting: November 19, 1993

Date of Second Response Meeting: _____

RCERT Contact: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group:

Phone: 202-

EPA - Ken Mittelholtz	260-0129
FmHA - Susan Wieferich	720-9647
Forest Service - Geri Bergen	205-1209
HUD - Charles Bien	708-1740
RDA - Chris Alsop	690-4730

Other partners contacted but not in attendance:

Council on Env. Quality (CEQ)

- Elizabeth Blaug

395-5754

EDA - Indicated they could accept other EAs.

Interior - Indicated they could accept other EAs.

SBA - Unable to reach anyone

Summary of Findings:

Short Run Response --

It was noted that in the short run, since most EA processes are codified in regulations, changing them would be difficult and would take considerable time. Therefore, the gathered agencies suggested that, in the short run, this issue be addressed by looking at it as an issue of improving communication and coordination between agencies.

Since CEQ indicates that data can be shared across agency lines and a majority of agencies' NEPA regulations allow for it as well, the group believed that joint, up-front packaging of projects (including coordination of joint assessments) and frequent consultation to ensure compatability of information across lines would facilitate more timely, more effective responses.

Suggestions for the Short-Run:

- Since the SCERT structure itself fosters coordination across agency lines, the group recommended that a process to facilitate this coordination be developed and tracked so that lessons could be learned from the SCERTs' efforts.
- In order to share information in a more organized manner and to coordinate from the start, the suggestion was made that a matrix of all agencies' EA requirements be developed. In that manner, the greatest common denominator of needs could be gathered from the outset or at least, each agency could readily see what had already been assessed and what more they might need to do.

Note: FYI - Good sources of information --

- The Park Service has a database (which can be accessed by anyone) of properties currently on the National Register of Historic Places.
- The Corps of Engineers can be tapped for wetlands maps.

- NEPA training could be conducted jointly at the local level.
- Consider holding an "up-front" meeting on a pilot basis to focus an inter-agency group on the requests already on the docket from a single county. The meeting would be held to discuss what could the group be doing to anticipate the future needs and its potential role.
- Regarding the specific situation in Northern California:
 - The CA State Historic Preservation Office seems to have a backlog which slows the EA process of several federal agencies.

Long Run Response --

This issue has been put on the MAC docket for long run improvements.

Next Steps:

- The electronic bulletin board should be set up and in the development process shortly. At that point, information sharing will be facilitated through the creation of multiple forums and through connections to various databases such as EPA's and potentially the above mentioned Park Service registry.
- Depending upon the RCERTs response to this memo, we are discussing the possibility of developing an MOU to clarify the ability to share across agency lines and to emphasize the importance of up-front collaboration.
- If you have any suggestions for additional actions on this issue, please contact Jennifer Pratt.

Process Lessons Learned:

Until this process for improving the delivery system gets ironed out, this section will be included in these communications. Please include such a section in the RCERT communications as well. This will help us to improve the process more rapidly.

- The request to improve the EA system was not captured on paper in detail from the RCERT, so there was confusion regarding the actual issue to be discussed. In order to respond more effectively, the MAC Working Group will need to receive suggested improvements on paper (or soon on e-mail) broken into their component parts.
- Was this the full issue? If not, please resubmit, modifying the question and explaining the issue more fully.

Improving the Federal Assistance
Delivery System

12/13/93

Response No. 001
(Addendum)

• MAC Response to RCERT Suggestion •
Additional Information

Focus: Environmental Assessments (EA)

Issue: The system would be improved if a project-specific EA conducted by one federal agency could be accepted by all other agencies.

The Bottom Line: The EA process takes time and it is felt that it is inefficient for each agency to repeat the process in order to do its own EA.

Date Rcvd: November 9, 1993

ate of Initial Response Meeting: November 19, 1993

Date of Second Response Meeting: December 6, 1993

RCERT Contact: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group: Elizabeth Blaug - ph: 202/395-5754
Council for Environmental Quality (CEQ)

Summary of Findings:

CEQ indicated that there would be little if no chance of developing a single EA process because of the multiple missions involved in interagency efforts. As well, the Council indicated that if a single process were to be developed, it would probably follow the example of RDA/FmHA. The feeling was that EAs should be viewed as a help in decisionmaking; offering guidance and guidelines which, if followed, will maintain the balance between human development and environmental sustainability.

MAC 2

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: EDA Authority to invite applications at SCERT

Type: ---- Policy
 ---- Administrative
 ---- Regulatory
 ---- Legislative

Agency Involved:

EDA

Date Initiated: Nov. 9, 1993

By Whom:

---- State CERT
☒ Reg. CERT
---- Agency
---- Other

Contact Name and Phone:

Anne Berblinger
EDA
503/326-3078

ACTION:

Date sent to Agency:

Date Responded:

Response:

N/A

Contact Name and Phone:

Date sent to Reg. CERT:

Reg. CERT Response:

N/A

Contact Name and Phone:

Date sent to MAC: Nov. 9, 1993

MAC Response: No...

- FACA concerns
- No state Allocation

Contact Name and Phone:

Jennifer Pratt
202/690-0758
Felicity Gillette
202/482-2659

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: 12/15/93 by Whom: Jennifer Pratt

Method: --- Mail
 ☒ Meeting handout

--- FAX
--- Bulletin Board

Improving the Federal Assistance
Delivery System

12/9/93
Response No: 002

• MAC Response to RCERT Suggestion •

Focus: EDA Title IX Money

Issue: Delivery of services would be expedited if invitations of application could be made by the SCERT.

Bottom Line -- Request for devolution to the SCERT level of authority to make invitations of application.

Date Rcvd: November 9, 1993

RCERT Contact: Ann Berblinger, EDA - ph: 503/326-3078

Date of Initial Response Meeting: November 23, 1993

Date of Subsequent Response Meetings: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group: EDA - Felicity Gillette ph: 202/482-2659

Summary of Findings:

As well as risking a Federal Advisory Committee Act violation with this request, EDA's National Office (NO) indicated that, while supportive of decentralizing decision-making in general, funds for this Initiative are not allocated by State. Funding decisions must be made at the regional level, consistent with the regional funding strategy being developed with input from RCERT and SCERTs. The NO does not consider this to be a serious delay.

Next Steps:

- A Strategic Plan for the entire region is requested by the NO which not only outlines the needs of communities; what they hope to accomplish in the long-run; and how they expect to meet those needs, but also, what other resources (federal, state, local, and non-profit) could be leveraged to accomplish the tasks outlined.

Process Lessons Learned:

- If a local-level federal officer can improve the system through his/her own channels, he/she should try that first. However, notification (through a cc:) to the MAC Working Group is needed so that any future involvement that might be needed can be made smoother and tracking of the request can take place.

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: Approval authority for Reg. Dir.

Type: ---- Policy
 --X-- Administrative
 ---- Regulatory
 ---- Legislative

Agency Involved:
 EDA

Date Initiated:

By Whom:

 ---- State CERT
 --X-- Reg. CERT
 ---- Agency
 ---- Other

Contact Name and Phone:

Anne Berblinger
EDA
503/326-3078

ACTION:

Date sent to Agency:

Date Responded:

N/A

Response:

Contact Name and Phone:

Date sent to Reg. CERT:

Reg. CERT Response:

N/A

Contact Name and Phone:

Date sent to MAC:

MAC Response: Need More Info.
 - Need Reg. Strategy

Contact Name and Phone:

Felicity Gillette
202/433-2659

Any Follow up Action:

RCERT Resubmitted, Request granted

final Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: 1/27/94 by Whom: Anne Berblinger, EDA

Method: --- Mail

 --X-- Meeting ~~handout~~
 Verbal

 --- FAX

 --- Bulletin Board

Improving the Federal Assistance
Delivery System

12/9/93
Response No: 003

• MAC Response to RCERT Suggestion •

Focus: EDA Title IX Money

Issue: Delivery of services would be expedited if approval for projects up to \$100,000 were given to the Regional Director.

Bottom Line -- Devolution of project approval is requested.

Date Rcvd: November 9, 1993

RCERT Contact: Ann Berblinger, EDA - ph: 503/326-3078

Date of Initial Response Meeting: November 23, 1993

Date of Subsequent Response Meetings: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group: EDA - Felicity Gillette ph: 202/482-2659

Summary of Findings:

Overall, EDA's National Office was supportive of this request for decentralized decisionmaking authority and is seriously looking at it. However, such decentralization would be dependent upon the development of a regional capacity-building funding strategy by the regional office. Note: A preliminary strategy has been developed for the community capacity-building portion of the \$3 million, and a request is in progress for delegating waiver and grant approval authority to the regional office.

The NO request for strategy development (prior to granting new authorities) is based on a desire by the National Office to make this an across the board change, rather than a project by project one. The hope is that this effort in the PNW and Northern California could be a prototype for the nation.

Next Steps:

- A regional strategy should be developed by the regional office in conjunction with other federal, state, and local entities. It should include an inventory of capacity needs and a discussion of the how's; why's; and what results are being sought. It will be important to include a discussion of other funding sources available in the region and the possibility of combining these resources with EDA monies.

Process Lessons Learned:

- Same as Response No. 002

MAC 4

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: FARB Waiver of project Review

Type: --- Policy
 --- Administrative
 X Regulatory
 --- Legislative

Agency Involved:
EDA

Date Initiated: Nov. 9, 1993

By Whom: --- State CERT
 X Reg. CERT
 --- Agency
 --- Other

Contact Name and Phone:

Anne Benblinger
EDA
503/326-3078

ACTION:

Date sent to Agency:

Date Responded:

Response:

N/A

Contact Name and Phone:

Date sent to Reg. CERT:

Reg. CERT Response:

N/A

Contact Name and Phone:

Date sent to MAC: Nov. 9, 1993

MAC Response: No

- only takes one week, not
a substantial delay.

Contact Name and Phone:

Jennifer Pratt
202/690-0758

Any Follow up Action:

Response forwarded to Agency. Regional CERT. State CERTs and initiating person.

Date: 12-15-93 by Whom: Jennifer Pratt

Method: --- Mail
 X Meeting handout

 --- FAX
 --- Bulletin Board

Improving the Federal Assistance
Delivery System

12/9/93
Response No: 004

• MAC Response to RCERT Suggestion •

Focus: EDA Title IX Money

Issue: Delivery of services would be expedited if the Commerce Department's Financial Assistance Review Board (FARB) would waive review requirements or review projects concurrently with other reviews.

Bottom Line --

Date Rcvd: November 9, 1993

RCERT Contact: Ann Berblinger, EDA - ph: 503/326-3078

Date of Initial Response Meeting: November 23, 1993

Date of Subsequent Response Meetings: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group: EDA - Felicity Gillette ph: 202/482-2659

Summary of Findings:

Such a waiver request could not be responded to in the short-run since FARB requirements relate to other Commerce agencies as well as to EDA.

Additionally, delegation of authority to the field (as has been requested) precludes the ability to review projects concurrently.

The NO believed that FARB reviews take only one week if the grant submission is received on a Wednesday (since the Board meets every Friday). As well, FARB only reviews proposals for \$100,000 or more.

Process Lessons Learned:

- Same as Response No. 002

Improving the Federal Assistance
Delivery System

12/9/93
Response No: 005

• MAC Response to RCERT Suggestion •

Focus: EDA Title IX Money

Issue: Delivery of services would be expedited if delegation of authority to waive local share and area eligibility criteria were devolved to EDRs.

Bottom Line -- Decentralization of authority requested for local share and area eligibility decision-making.

Date Rcvd: November 9, 1993

RCERT Contact: Ann Berblinger, EDA - ph: 503/326-3078

Date of Initial Response Meeting: November 23, 1993

Date of Subsequent Response Meetings: _____

MAC Working Group Contact: Jennifer Pratt ph: 202/720-4749

National Response Group: EDA - Felicity Gillette ph: 202/482-2659

Summary of Findings:

This authority is presently held by the Assistant Secretary. It would be a big jump to move it to the EDRs. However, devolution of authority to the regional level will be recommended by the NO, contingent on the development of a regional strategy.

Next Steps:

- A regional capacity-building funding strategy should be developed in conjunction with other federal, state, and local entities. It should include an inventory of capacity needs and a discussion of the how's; why's; and what results are being sought. It would be important to include a discussion of other funding sources available in the regions and the possibility of combining those resources with EDA monies. Note: A preliminary strategy has been developed for the community capacity-building portion of the \$3 million, and a request is in progress for delegating waiver and grant approval authority to the regional office.

Process Lessons Learned:

- Same as Response No. 002

MAC 5

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: Decentralization of decision making

Type: ---- Policy
 -X Administrative
 ---- Regulatory
 ---- Legislative

Agency Involved: Dept. of Labor

Date Initiated: 12-15-93

By Whom: ---- State CERT
 ---- Reg. CERT
 -X Agency
 ---- Other

Contact Name and Phone:

Armando Quiroz
DOL
206/553-7700

ACTION:

Date sent to Agency:
Date Responded:

Contact Name and Phone:

Response:

Date sent to Reg. CERT:

Contact Name and Phone:

Reg. CERT Response:

Date sent to MAC: 12-15-93

Contact Name and Phone:

MAC Response:

Jennifer Pratt
202/1690-0758
[Asst. Secty of Labor, ETA
Doug Racz]

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail --- FAX
 --- Meeting handout --- Bulletin Board

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APPENDIX B-1

IDENTIFICATION OF PROCESS IMPROVEMENTS AND IMPEDIMENTS

RCERT contact: Armando Quiroz Phone: 206/533 7700
 Issue: Decentralization of decision-making authority Fax: 509 609 0000
 Agency: Labor

What is the process improvement or impediment? Delegation of grant officer authority for
 Timber projects (Secretary's Title III discretionary funds) to Region I E.T.A. office
 and Region IX E.T.A. office to deal with timeliness and communication issues.

Why is it being identified? To expedite the approval process; enhance communications
 with grantees re: submittals; to bring this process closer to the customers
 Wash. and Oregon; California.

Who is affected by the process improvement or impediment? Timber communities; distressed
 workers from these areas.

When does the process improvement or impediment come into play? Immediately.

Procedural Reference: Agency administrative practice.
 (Statutory or Rule)

Authorities Involved: Delegation of Grant Officer authority by the Assistant Secretary of
 Labor for E.T.A. (Doug Ross).

Possible Solution: See above.

A process improvement is an improvement that encourages or creates a new system of service delivery to the customer. An impediment is an existing requirement that appears to hinder or delay the delivery of services. Proposed solutions should specify the advantages, both in labor and expense, to the program and the customer/end user.

U. S. Department of Labor
Employment and Training Administration
1111 Third Avenue, Suite 900
Seattle, WA 98101-3212

Fax Cover Sheet

**To: Steve Marshall, Forest Service
MAC Representative**

Fax: 202 205-1271

Date: 3/3/94

From: Gary DeRosa

Phone: (206) 553-4386 (8010)

Fax: (206) 553-0098

Number of pages (including this cover): 4

Comments: As you requested, here are the basis facts related to the barrier identified by the RCERT regarding delegation of decision authority on National Reserve job retraining grants.

The March 31, 1994, deadline for acceptance of grant applications is stated in the Interagency Agreement as a condition of DOL's set aside of the \$12 mil fund for retraining projects. This date was set because DOL must obligate all its retraining dollars by 6/30/94 or lose them. Our national office wants to assure that other parts of the country have an opportunity to apply for these scarce funds before they are lost.

Please let me know if you need any additional information.

ETA National Reserve Grants (NRG) and the NW Timber Initiative

Background

o The NW Timber Initiative is a White House Reinvention Initiative. It is an effort to fundamentally change the way the federal government responds to crises in communities impacted by a change in federal environmental policy. The first awards under this initiative were made in a public meeting by Vice President Gore on February 16, 1994.

o The Multi-agency Command (MAC) was established to set basis groundrules for how federal agencies are to cooperate among themselves and with the affected State and local governments and to promote process improvements by removing impediments that result in unnessacery administrtrative burdens and time delays in accessing federal assistance.

o The MAC strategy states that the federal government will:

"Move decision making and priority setting closer to the local level . . .",

"Empower its own employees to act as responsive partners with state, tribal, and local governments and the private sector . . .",

"Promote regional approaches to developing solutions to common problems."

o A MAC Goal is to: "

"Respond to locally-defined needs with a system that is flexible and innovative".

o The MAC has established as one of its roles to:

"Empower people to get results. Decentralize authority and empower those who work on the front lines to make more of their own decisions and solve more of their own problems. Legitimize initiative, risk-taking, and flexibility among federal employees, as well as new lines of communication across and within the federal agencies."

o The three States on the RCERT identified the lack of local decision making authority on NRGs for Timber as a barrier on 12/15/93. That issue was raised to the MAC for resolution.

o Jennifer Pratt, staff to MAC Chair, stated at the 2/16 RCERT meeting that DOL was not inclined to delegate authority at that time. She indicated that the MAC would pursue this issue with the Department.

o Region X (ETA) have stated at RCERT meetings and at a meeting with State and local JTPA officials that Timber NRGs will be handled expeditiously and that our N.O. is committed to a streamlined review approach. Recent indications from N.O. are that no special handling is contemplated for Timber NRGs.

o We have stated on several occasions that we have recommended that the Timber NRG review panel be held in the affected local areas where the grants are to be operated to expedite the resolution of issues through face to face negotiations rather than protracted correspondence and to demonstrate responsiveness to local communities. N. O. is not inclined to review the grants in the NW because of travel costs and staff shortages.

Following is our proposal for the review and approval process for Timber Initiative National Reserve Grants.

Proposal

o Grant Officer (GO) authority SOLELY for Timber NRGs be delegated to either a designated Region IX or X Grant Officer (Region IX recommends that Region X be delegated limited GO authority). That authority should include review and approval of initial grants, modifications of approved grants under the Initiative and resolution of compliance issues related to these grants.

o Such a delegation would permit Regional ETA representatives to the CERTs to effectively link various federal funding sources, ie EDA, RDA, SBA, CBG and Forest Service Jobs in the Woods funds, with worker retraining programs. Such cross agency linkage is a major reinvention strategy of the NW Timber Initiative.

o Such delegation has the backing of the three States on the RCERT and of the RCERT itself.

o Such delegation should be viewed as a demonstration of ETA's commitment to Reinvention and to the principles espoused by the MAC. It does not establish a precedent in other circumstances which lack the unique elements of the NW Timber Initiative.

o Key decisions regarding the National Reserve Account have already been made in the Interagency Agreement by ETANO, ie, \$12 mil has been set aside for each of the next three PYs, distribution of these funds are to be equitably distributed among the three timber impacted States in accordance with RCERT principles and meritorious grants must be submitted by March 31st of each Program Year (PY).

o Region IX and X have authorized GOs. Both Regions have grant authority for all CRGs, TAT, TAA and NAFTA grants and have exercised this authority responsibly and with a eye to quality and compliance. Should Region X be designated as the granting authority for Timber NRGs, the Regional Administrator would delegate this authority to Smith Piper, Region X Finance Officer.

- o Any delegation of GO authority would be limited to PY '93 round of Timber NRGs and modifications thereto in order to deal with the exigency at hand.
- o Region IX has been consulted about this proposal and is in full concurrence.
- o The assigned Region would convene a interdisciplinary panel made up of experts in program and financial management from both Region IX and Region X. This would assure the highest possible quality in the grants approved. A representative of OWBL would be invited to serve on this panel. That representative's expertise would be highly valued and appreciated.
- o Prior to approval of NRAs seeking waivers to ETA regulations or policies, consultation will be sought with OWBL before any such waivers are granted.
- o Public announcement of awards will follow procedures of OWBL.
- o We view this as a demonstration of a reinvention strategy. As such is should be critically evaluated as to its effectiveness and utility in assuring that our agency can deliver quality programs, that are local responsive and executed in an expeditious manner.

Pending Response

**PHOTOCOPY
PRESERVATION**

MAC E

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: USDA'S INTERIM ADVANCE ACQUISITION PLAN IAAP

Type: ☒ Policy
☐ Administrative
☐ Regulatory
☐ Legislative

Agency Involved:

FS

Date Initiated: 2/18/94

By Whom:

☐ State CERT
☐ Reg. CERT
☒ Agency
☐ Other

Contact Name and Phone:

JOYCE MURAKA
FS - Reg 5
415-705-2870

ACTION:

Date sent to Agency:

Date Responded:

Response:

Contact Name and Phone:

Date sent to Reg. CERT: 2/18/94

Reg. CERT Response: forward to MAC

Contact Name and Phone:

L. McFarland
SC3/326-2731

Date sent to MAC: 2/18/94 oral
3/7/94 written

MAC Response:

Contact Name and Phone:

Jennifer Pratt
202/1000-0758

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 10

To: S. Marshall From: L. McFarland
Dept./Agency: Phone #

Fax # 202/205-1274 Fax # 502/326-5878
NSN 7540-01-317-7368 5099-01 GENERAL SERVICES ADMINISTRATION

☐ FAX
☐ Bulletin Board

FOREST SERVICE (R-5)

FAX COVER SHEET

Date Sent: 2/18/94 #2Sent to: LAURA McFARLAND
FARMERS HOME ADMIN.
PORTLAND, ORFAX #: 503-326-5898From: JOYCE MURACKA (name)
DEPUTY REG FORESTER (staff)
415-705-2870 (phone)USDA - Forest Service
630 Sansome Street
San Francisco, CA 94111

FAX = 415-705-1109

Number of pages (including cover sheet): 2Message: _____

Laura

I just faxed you a 7-page document (including cover sheet) documenting Interim Advanced Acquisition Plan. Incidentally per discussion at BCERT my the other night.

However, on my part the cover sheet got transmitted last rather than first. Hence this note confirming your receipt of that 7-page part.

Please RSVP regarding whether you received.

my phone 415-705-2870

my fax 415-705-1109

Thanks for your
help & support
to the BCERT,

Muraoka

IDENTIFICATION OF PROCESS IMPROVEMENTS AND IMPEDIMENTS

Date: February 18, 1994

Issue: USDA's Interim Advance Acquisition Plan (IAAP)

Agency (originally surfacing issue): Forest Service

What is the process impediment? On December 13, 1993 USDA Assistant Secretary for Administration Wardell Townsend signed a directive to all agency heads subject: Interim Advance Acquisition Plan which requires "Not later than 90 calendar days before issuing a solicitation and in all cases prior to publicizing a pending procurement in the Commerce Business Daily, Heads of Contracting Activities shall report all proposed procurements that may exceed \$100,000 to the Director, Office of Operations." A "procurement" is defined as a "supply procurement" for example computers, software, plywood, hardware, construction equipment, etc. or a "services procurement" such as thinning, janitorial, guard services, A&E design of buildings/roads/bridges, inspection services, surveying, etc. For construction projects, identify the type of construction such as roads, offices, bridges, painting, rewiring, road resurfacing, etc.

Why is it being identified? In essence, this directive adds 90 days to the procurement process and could delay the award of contracts in the timber-affected areas for that period of time. We (the RCERT) recently forwarded to the MAC a request to waive the requirement to advertise all procurement solicitations in the Commerce Business Daily for 30 days, thus reducing the procurement time by 45-90 days. This USDA directive negates that earlier request and in fact prolongs the procurement time.

Apparently, the idea of reviewing the procurement processes within USDA came from the National Performance Review and the Secretary's desire to reinvent USDA. However, the notion of an IAAP seems to be adding bureaucracy to the procurement process rather than streamlining processes and making government more efficient.

Who is affected by this impediment? All USDA agencies are affected by the Assistant Secretary's directive in the sense that all USDA agencies must comply. Ultimately, the people most adversely affected would be those in the timber dependent rural communities of the Washington, Oregon, and Northern California.

When does the process impediment come into play? The directive is already in effect (has been since December 13, 1993). The directive will affect our (RCERT and SCERT) ability to acquire/contract for tools, equipment, and services in the timber affected areas in less than 90 days from today. The CERTs have been striving to obtain, review, and fund projects this fiscal year to positively affect the socio-economic well being of communities. With this IAAP delay, however, we will be lucky to accomplish anything on the ground this fiscal year--90 days from today would put us into May or June or beyond (especially since we do not have projects identified or screened yet to put them on an acquisition plan so we know in sufficient detail the specific products or services needed).

①

Procedural Reference: See copy of directive signed by Townsend which is attached.

Authorities Involved: USDA Secretary Mike Eapy.

Possible Solution: Exempt the USDA agencies within the 3 states from the directive OR report after the fact, especially since procurements (products and services) within the affected areas will be scrutinized by the SCERTs and RCERT in an interagency mode for effectiveness and efficiency of expenditures--this should meet some of the Secretary's objectives: providing critical information in the management of the procurement system, not delaying the flow of information until an automated system can be put in place, reinventing government and team USDA>

(2)



DEPARTMENT OF AGRICULTURE
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION
WASHINGTON, D.C. 20250

FEB 13 1994

SUBJECT: Interim Advance Acquisition Plan

TO: Agency Heads

On October 1, 1993, Secretary Espy held a televised procurement briefing wherein he announced that procurement in Team USDA would undergo a review by a interdisciplinary taskforce to assess the condition of USDA procurement and make specific recommendations to improve the process.

The lack of procurement planning and the absence of procurement information for senior officials are items the Secretary has focused on. As a result, we are in the process of starting an initiative to develop an automated advance acquisition planning system. This system will provide critical information and thereby aid in the management of the procurement system. Recognizing the current and ongoing need for procurement planning information, we have determined that we cannot delay the flow of this information until an automated system can be built. Therefore, we are instituting a short term interim advance acquisition planning system.

The attached document INTERIM ADVANCE ACQUISITION PLAN, defines the interim solution and provides a mechanism to provide senior management with procurement information within a 60 calendar day presolicitation period. Your first report, submitted in a prescribed standard format, is due January 3, 1994.

Please have your Administrative Services Director contact John Campbell at (202) 720-6246 if you have questions.

Wardell C. Townsend, Jr.
Wardell C. Townsend, Jr.
Assistant Secretary
for Administration

Attachment

cc: Under and Assistant Secretaries
Administrative Services Directors

3

202 62725075716

TO

FROM: USDA FOREST SERVICE

FEB 18 '94 15:27

415 705 1109 PAGE 003

INTERIM ADVANCE ACQUISITION PLAN**REPORTING PROCEDURES**

1. **Report Title - Interim Advance Acquisition Plan**

2. **Report Usage**

The report of each contracting activity's Interim Advance Acquisition Plan is intended as a source of information for the Secretary of Agriculture and Sub-Cabinet Officials such as the Assistant Secretary for Administration, Chief Financial Officer, and Director, Office of Small and Disadvantaged Business Utilization. Reports submitted by Agencies will be photocopied and made available to the authorized users listed above.

3. **Reporting Requirements**

- a. **Reporting Frequency - Monthly, beginning January 5, 1994 and by the 5th calendar day of each succeeding month.**
- b. **Filing Reports - Not later than 90 calendar days before issuing a solicitation and in all cases prior to publicizing a pending procurement in the Commerce Business Daily. Heads of Contracting Activities shall report all proposed procurements that may exceed \$100,000 to the Director, Office of Operations. Each monthly report shall be submitted in the format shown in the attached "Interim Advance Acquisition Plan", which may be reproduced for reporting purposes.**
- c. **Updating Reports - During the 90-day presolicitation reporting period covered by the Interim Advance Acquisition Plan, updated information will be reported whenever a change is made to a line item entry contained in a preceding report, except for changes to the projected award date. The "PROJECT DESCRIPTION ENTRY" shall be preceded by the word "UPDATE". Updated reports will be reported to OO by the 5th of the month following the change.**

4. **REPORT CONTENT**

- a. **Agency - Indicate the Agency that will make the procurement.**
- b. **Project Description - Describe the items covered by the proposed procurement. If a supply procurement, identify the items in general terms such as computers, software, plywood, hardware, construction equipment; etc. If the proposed procurement covers a service, identify the type of service such as, tree thinning, janitorial, guard services, A&E - design of (building/road/bridge); inspection**

80-0 65200251015

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FROM USDA FOREST SERVICE FEB-18-1994 13:19

FEB 18 '94 15:28

415 705 1109 PAGE.004



services; surveying, etc. For construction projects, identify the type of construction such as, road, office, bridge, painting, rewiring, road resurfacing, etc.

- c. **Project Location** - Identify the delivery point(s), city & state for supply procurements. For service and construction procurements, identify city and state if the project will be performed within a city. If performance will be performed outside a city or in multiple cities or multiple states, report only the state or states where performance will take place.
- d. **Issue Date** - Indicate the date the solicitation is planned to be issued or the date the procurement offering will be made to the Small Business Administration if the procurement is to be an 8(a).
- e. **Preference Program** - Indicate if the procurement is to be restricted to a preference program such as small business (SB), labor surplus area (LSA), or 8(a).
- f. **Cost Estimate** - Enter the cost estimate for the entire procurement including options.
- g. **Projected Award Date** - Enter the anticipated date of contract award.

5. Exemptions

Procurements that are made pursuant to FAR 6.302-2, Unusual and Compelling Urgency, are exempt from these reporting requirements.

6. Restrictions

INFORMATION CONTAINED IN INTERIM ADVANCE ACQUISITION PLANS MAY BE PROCUREMENT SENSITIVE AND DISCLOSURE MAY BE PROHIBITED AND MAY JEOPARDIZE THE EVENTUAL AWARD OF ANY RESULTING CONTRACT(S).



P.04 914157651239

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FEB-18-1994 13:19 FROM USDA FOREST SERVICE

FEB 18 '94 15:28

415 705 1109 PAGE 005

WASHINGTON, D.C. 20501

DEPARTMENTAL NOTICE		NUMBER 5007-2
SUBJECT: Interim Advance Acquisition Plan	DATE January 5, 1994	
	OFF: Office of Operations Procurement Policy Division	
OPERATIONAL NOTE: Will not be codified; expires upon issuance of a final, automated, advance acquisition plan.		

1 PURPOSE

This Notice implements an interim advance acquisition planning system. The provisions of this Notice apply in addition to the provisions of Departmental Regulation (DR) 5007-1.

2 BACKGROUND

It is the policy of the Department of Agriculture to provide to the Secretary and the Sub-Cabinet Officials information concerning pending acquisitions in excess of \$100,000.00. Agency heads will, on a monthly basis, provide the information described in Appendices A and B.

3 EFFECTIVE DATE

This Notice is effective upon issuance.

4 APPLICABILITY

This Notice applies to all acquisitions governed by the Federal Property and Administrative Services Act in excess of \$100,000.00 but exclusive of orders against Federal Supply Schedules or GSA schedule contracts for Federal information processing resources.

5 RESPONSIBILITIES

In accordance with the reporting procedures in Appendix A, the head of each contracting activity is responsible to report pending acquisitions and to update these reports. The reports are to be submitted in a manner to be received in the Office of Operations by the fifth calendar day of each month. Each report is to be submitted as illustrated in Appendix B.

6 INQUIRIES

For inquiries on this Notice, contact the Office of Operations, Procurement Policy Division.

DISTRIBUTION 50

-E

FAX TRANSMITTAL

FOR LARRY SCHWARTZ

FOR LARRY SCHWARTZ

FOR LARRY SCHWARTZ

FOR LARRY SCHWARTZ

FOR LARRY SCHWARTZ

FEB 18 '94 15:29
652 5215705 259 P.07

TO

FROM USDA FOREST SERVICE

415 705 1109 PAGE.006

FOREST SERVICE (R-5)

FAX COVER SHEET

Date Sent: 2/18/94

Sent to:

LAURA MCFARLAND
FARMERS HOME ADM
PORTLAND, ORFAX #: 503-326-5878

From:

JOYCE T. MURACKA (name)
DEPUTY REGIONAL FORESTER (title)
415-705-2870 (phone)USDA - Forest Service
630 Sansome Street
San Francisco, CA 94111Number of pages (including cover sheet): 7

Message:

Write-up on barriers for MAC to
handle - I raised this at the
RCERT mty the other night
(IAPP) Jones was going to
raise it but I thought I'd
write it up.

J. Muracka

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: Designation of Timber Industry as a depressed industry by FEMA

Type: ---- Policy
 ---- Administrative
 -X Regulatory
 ---- Legislative

Agency Involved:

Fed. Acquisition Regs.

Date Initiated: Feb. 1, 1994

By Whom:

---- State CERT
-X Reg. CERT
---- Agency
---- Other

Contact Name and Phone:

John Gilman
SBA
503/326-5221**ACTION:**

Date sent to Agency:

Date Responded:

N/A

Contact Name and Phone:

Response:

Date sent to Reg. CERT:

Reg. CERT Response:

N/A

Contact Name and Phone:

Date sent to MAC: 2-2-94

MAC Response:

Contact Name and Phone:

Jennifer Pratt
202/690-0758

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail

--- Meeting handout

--- FAX

--- Bulletin Board

Issue: Designation of Timber Industry as a depressed industry by FEMA.

Agency: FEMA

What is the process improvement or impediment?

A method to increase the number of government contracts awarded to businesses in timber dependant communities.

Why is it being identified?

Federal agencies are seeking ways to increase the level of government contracts awarded to firms located in timber dependant communities. Contracting regulations preclude targeting communities except under limited circumstances. Agencies have little latitude except for very small contracts, \$25,000. and under.

Who is affected by the process improvement or impediment?

Agencies and communities.

When does the process improvement or impediment come into play?

Whenever contracts are let.

Procedural Reference:

Federal Acquisition Regulations.

Authorities involved:

All.

Possible Solution:

Under part 20, Subpart 20.1 Paragraph 20.105 Depressed Industries, FEMA has the authority, under Defense Manpower Policy No 4B to designate an entire industry as "depressed". Further, FEMA may specify special treatment or measures for assisting the industry so designated. "Contracting officers shall give industries special treatment as specified in the notification".

If FEMA were to designate the Timber industry in the northwest and northern California as a "depressed industry", it could then require that contracts awarded in those communities be set aside for existing and former timber firms. This would remove restrictions presently placed on agency contracting officers.

It is suggested that the MAC pursue this matter at the national level with FEMA authorities.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To <u>LAURA McFARLAND</u>	From <u>JOHN GILMAN</u>
Dept./Agency	Phone # <u>326-5221</u>
Fax # <u>IMPEDIMENT - FORWARDED TO MAC.</u>	Fax #
NSN 7540-01-317-7368	5099-101 GENERAL SERVICES ADMINISTRATION

PART 20

LABOR SURPLUS AREA CONCERNS--

20.000 Scope of part.

This part prescribes policies and procedures for aiding labor surplus areas in the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands. It implements Defense Manpower Policy No. 4B, May 23, 1980 (44 CFR 331), U.S. Department of Labor Regulations (20 CFR 654, Subpart A), and the Small Business Act (15 U.S.C. 644(d), (e), and (f)).

SUBPART 20.1--GENERAL

20.101 Definitions.

"Labor surplus area" means a geographical area identified by the Department of Labor in accordance with 20 CFR 654, Subpart A, as an area of concentrated unemployment or underemployment or an area of labor surplus.

"Labor surplus area concern" means a concern that together with its first-tier subcontractors will perform substantially in labor surplus areas. Performance is substantially in labor surplus areas if the costs incurred under the contract on account of manufacturing, production, or performance of appropriate services in labor surplus areas exceed 50 percent of the contract price.

20.102 General policy.

Subject to the order of precedence in 19.504, the Government shall award appropriate contracts to eligible labor surplus area (LSA) concerns and encourage contractors to place subcontracts with LSA concerns.

20.103 Contract clause.

(a) In contracts not set aside for LSA concerns, the offeror's status as an LSA concern may affect entitlement to award in the case of tie offers or evaluation in accordance with the Buy American Act. Therefore, offerors shall be afforded an opportunity to establish status as LSA concerns.

(b) The contracting officer shall insert the clause at 52.220-1, Preference for Labor Surplus Area Concerns, in solicitations and contracts that (1) exceed the appropriate small purchase limitation in Part 13 and (2) are not set aside for LSA concerns.

20.104 Specific policies.

When a proposed contract is estimated to exceed the appropriate small purchase limitation in Part 13, the agency shall--

- (a) Set aside the acquisition as provided in Subpart 20.2;
- (b) Promptly disseminate available publications and information that identify LSA's to acquisition personnel;
- (c) Consider Department of Labor classifications of LSA's as conclusive for each contracting action;
- (d) Give LSA concerns, which are on appropriate solicitation lists, the opportunity to submit offers on any acquisition for which they are qualified, unless the acquisition is otherwise restricted (e.g., total small business set-aside);
- (e) Solicit all prospective LSA concerns, when less than a complete solicitation list is used;
- (f) Give preference to LSA concerns as prescribed in 14.407-6, when equal low bids are received;
- (g) Encourage subcontracting with LSA concerns (see Subpart 20.3);
- (h) Assist depressed industries (see 20.105);
- (i) Cooperate with the Departments of Labor and Commerce, the Small Business Administration, and the Federal Emergency Management Agency (FEMA) to achieve the objectives of this Part 20; and
- (j) See 25.404 regarding purchases from qualifying countries where LSA set-asides are involved.

20.105 Depressed industries.

When an entire industry is depressed, FEMA under Defense Manpower Policy No. 4B may establish appropriate measures on an industry wide, rather than on an area-wide, basis. Designations of depressed industries are made by FEMA notifications. Contracting officers shall give industries special treatment as specified in the notification. No price differentials shall be paid to carry out the policies of these notifications.

20.106 Records and reports.

Agencies shall maintain records of contracts performed in LSA's as necessary to prepare required reports (see Subpart 4.6).

SUBPART 20.2--SET-ASIDES

20.201 Set-asides for labor surplus area concerns.

20.201-1 Total set-asides.

Subject to the order of precedence in 19.504, and in accordance with any applicable agency procedure, the contracting officer shall set aside the entire amount of an indi-

(FAC 90-7) 20-1

vidual acquisition or class of acquisitions for LSA concerns when there is a reasonable expectation that offers will be obtained from a sufficient number of responsible LSA concerns so that awards will be made at reasonable prices. Past acquisition history of the item or similar items is not the only controlling factor that agencies shall consider in determining whether a reasonable expectation exists.

20.201-2 Department of Defense set-asides.

Department of Defense (DOD) contracts shall not be set-aside for LSA concerns except for contracts funded by Military Construction Appropriation Acts. This exemption results from 10 U.S.C. 2392, which precludes payment by DOD of a price differential in contracts awarded for purposes of relieving economic dislocations.

20.202 Contract clause.

The contracting officer shall insert the clause at 52.220-2, Notice of Total Labor Surplus Area Set-Aside, in solicitations and contracts estimated to exceed the appropriate small purchase limitation in Part 13 that are totally set aside for LSA concerns.

20.203 Rejection of set-asides.

The contracting officer may not base the rejection of an LSA set-aside on any of the following:

- (a) A large part of the previous acquisition of the required item was placed with LSA concerns.
- (b) The item is on an established planning list under the Industrial Preparedness Planning Program.
- (c) The item is on a Qualified Products List (see Subpart 9.2).
- (d) A period of less than 30 days from the date of issuance of the solicitation is prescribed for the submission of offers.
- (e) The acquisition is classified.

20.204 Award procedures.

(a) The contracting officer shall award contracts involving total LSA set-asides by using sealed bids (see Part 14) or competitive proposals (see Part 15). See Part 6 for competition requirements.

(b) Offers received from concerns that do not qualify as LSA concerns shall be considered nonresponsive and shall be rejected.

20.205 Withdrawal of set-asides.

(a) If before contract award the contracting officer considers that a set-aside is detrimental to the public interest (e.g., because of unreasonable prices), the contracting officer shall withdraw the set-aside and, if desired, complete the acquisition by sealed bidding or negotiation, as appropriate.

(b) The contracting officer shall include in the contract file a record of the reasons for any withdrawal of a set-aside.

SUBPART 20.3—LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

20.301 General.

(a) In contracts that exceed the appropriate small purchase limitation in Part 13 but do not exceed \$500,000, contractors are required to use their best efforts to subcontract with LSA concerns when such subcontracting is (1) consistent with the efficient performance of the contract and (2) at prices no higher than are obtainable elsewhere.

(b) In contracts that may exceed \$500,000, contractors are required to take affirmative actions to subcontract with LSA concerns when such subcontracting is (1) consistent with efficient performance of the contract and (2) at prices no higher than are obtainable elsewhere. Contractors are also required to impose similar responsibilities on major subcontractors.

20.302 Contract clauses.

(a) The contracting officer shall insert the clause at 52.220-3, Utilization of Labor Surplus Area Concerns, in solicitations and contracts, when it is estimated that the contract will exceed the appropriate small purchase limitation in Part 13, except—

(1) Contracts with foreign contractors that, including all related subcontracts, are to be performed entirely outside the United States, its territories and possessions, Puerto Rico, and the Trust Territory of the Pacific Islands;

(2) Contracts for services that are personal in nature; and

(3) Contracts with the petroleum and petroleum products industry.

(b) The contracting officer shall insert the clause at 52.220-4, Labor Surplus Area Subcontracting Program, in solicitations and contracts that (1) may exceed \$500,000, (2) contain the clause at 52.220-3, Utilization of Labor Surplus Area Concerns, and (3) in the opinion of the contracting officer, offer substantial subcontracting possibilities. In addition, the contracting officer shall urge contractors that will receive negotiated contracts that may not exceed \$500,000 but that meet the criteria in (2) and (3) above, to accept the clause at 52.220-4.

20.303 Review of subcontracting program.

(a) Agencies shall review the adequacy of the contractor's LSA subcontracting program through individual agency reviews or cross-servicing arrangements (see Subpart 42.1 Interagency Contract Administration and Audit Services).

(b) To carry out the Government's objectives, contractors and subcontractors having LSA subcontracting programs must be informed of (1) the Government's evaluation of their programs, (2) any deficiencies, and (3) any areas of outstanding achievement. The contracting officer shall document, for use in evaluating future offers, any evaluation and remarks to the contractor, including areas of suggested improvement and areas where the contractor has exceeded contractual requirements.

5.102

FEDERAL ACQUISITION REGULATION (FAR)

5.102 Availability of solicitations.

(a) The contracting officer shall—

(1) Maintain a reasonable number of copies of solicitations publicized in the CBD, including specifications and other pertinent information (upon request, potential sources not initially solicited shall be mailed or provided copies of solicitations, if available);

(2) Provide copies of a limited solicitation to firms requesting copies that were not initially solicited, but only after advising the requester of the determination to limit the solicitation to a specified firm or firms as authorized under Part 6;

(3) Provide copies on a "first-come-first-served" basis, for pickup at the contracting office, to publishers, trade associations, information services, and other members of the public having a legitimate interest (for construction, see 36.211); and

(4) In addition to the methods of disseminating proposed contract information in 5.101(a) and (b), provide, upon request to small business concerns, as required by 15 U.S.C. 637(b)—

(i) A copy of the solicitation and specifications;

(ii) The name and telephone number of an employee of the contracting office to answer questions on the solicitation; and

(iii) Adequate citations to each applicable major Federal law or agency rule with which small business concerns must comply in performing the contract.

(5) Retain a copy of the solicitation and other documents for review by and duplication for those requesting copies after the initial number of copies is exhausted.

(6) Agencies may require payment of a fee, not exceeding the actual cost of duplication, for a copy of the solicitation documents.

(b) This section 5.102 applies to classified contracts to the extent consistent with agency security requirements (see 5.202(a)(1)).

SUBPART 5.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS

5.201 General.

(a) As required by the Small Business Act (15 U.S.C. 637(c)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416), agencies shall furnish for publication in the Commerce Business Daily (CBD) notices of proposed contract actions as specified below.

(b) For acquisitions of supplies and services other than those covered by the exceptions in 5.202, and special situations in 5.205, the contracting officer shall transmit a notice to the CBD (synopsis) (see 5.207) for each proposed—

(1) Contract actions meeting the thresholds in 5.101(a)(1);

(2) Effort to locate private commercial sources for

cost comparison purposes under OMB Circular A-76 (see 5.205(d));

(3) Modification to an existing contract for additional supplies or services that meets the thresholds in 5.101(a)(1); or

(4) Contract action in any amount when advantageous to the Government.

(c) The primary purposes of the CBD notice are to improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities.

(d) Subscriptions to the CBD must be placed with the Superintendent of Documents, Government Printing Office, Washington, DC 20402 (Tel. 202-783-3238).

5.202 Exceptions.

The contracting officer need not submit the notice required by 5.201 when—

(a) The contracting officer determines that—

(1) The synopsis cannot be worded to preclude disclosure of an agency's needs and such disclosure would compromise the national security (e.g., would result in disclosure of classified information). The fact that a proposed solicitation or contract action contains classified information, or that access to classified matter may be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception to synopsis;

(2) The contract action is made under the conditions described in 6.302-2 and the Government would be seriously injured if the agency complies with the time periods specified in 5.203;

(3) The contract action is one for which either the written direction of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government, or international organizations, has the effect of requiring that the acquisition shall be from specified sources;

(4) The contract action is expressly authorized or required by a statute to be made through another Government agency, including acquisitions from the Small Business Administration (SBA) using the authority of section 8(a) of the Small Business Act (but see 5.205(f)), or from a specific source such as a workshop for the blind under the rules of the Committee for the Purchase from the Blind and Other Severely Handicapped;

(5) The contract action is for utility services other than telecommunications services and only one source is available;

(6) The contract action is an order placed under a requirements contract;

(7) The contract action results from acceptance of a proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);

(8) The contract action results from the acceptance of an unsolicited research proposal that demonstrates a unique and innovative concept (see 6.003) and publication of any notice complying with 5.207 would improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal. This exception does not apply if the contract action results from an unsolicited research proposal and acceptance is based solely upon the unique capability of the source to perform the particular research services proposed (see 6.302-1(a)(2)(i));

(9) The contract action is made for perishable subsistence supplies, and advance notice is not appropriate or reasonable;

(10) The contract action is made under conditions described in 6.302-3, or 6.302-5 with regard to brand name commercial items for authorized resale, or 6.302-4 and advance notice is not appropriate or reasonable;

(11) The contract action is made under the terms of an existing contract that was previously synopsisized in sufficient detail to comply with the requirements of 5.207 with respect to the current contract action; or

(12) The contract action is by a Defense agency and the contract action will be made and performed outside the United States, its possessions, or Puerto Rico, and potential sources will be solicited. This exception does not apply to contract actions subject to the Trade Agreements Act (see Subpart 25.4).

When the head of the agency determines in writing, after consultation with the Administrator for Federal Acquisition Policy and the Administrator of the Small Business Administration, that advance notice is not appropriate.

Advance notice and response time.

Contracting officers are required to publish notice of intent to contract. Under 5.201, they shall proceed as follows: (1) The contract action shall be published in the CBD at least 30 days before issuance of a solicitation.

(2) For contract actions that allow at least 30 days' response time, the notice shall allow at least 30 days' response time from the date of issuance of the notice.

(3) For contract actions that allow at least 45 days' response time, the notice shall allow at least 45 days' response time from the date of publication of the notice. For contract actions categorized in 5.201 for contract actions categorized as research and development.

rized as research and development.

(e) Nothing in this subpart prohibits officers or employees of agencies from responding to requests for information.

(f) Contracting officers may, unless they have evidence to the contrary, presume that notice has been published 10 days (6 days if electronically transmitted) following transmittal of the synopsis to the CBD. This presumption is based on the CBD's confirmation that publication does occur within these time frames. This presumption does not negate the mandatory waiting or response times specified in paragraphs (a) through (d) of this section. Upon learning that a particular notice has not in fact been published within the presumed timeframes, contracting officers should consider whether the date for receipt of offers can be extended or whether circumstances have become sufficiently compelling to justify proceeding with the contract action under the authority of 5.202(a)(2).

5.204 Presolicitation notices.

Contracting officers shall publicize presolicitation notices in the CBD (see 15.404 and 36.302). Synopsisizing is still required prior to issuance of any resulting solicitation (see 5.201 and 5.203).

5.205 Special situations.

(a) *Research and development (R&D) advance notices.* Contracting officers may publish in the CBD, advance notices of their interest in potential R&D programs whenever existing solicitation mailing lists do not include a sufficient number of concerns to obtain adequate competition. Advance notices shall not be used where security considerations prohibit such publication. Advance notices will enable potential sources to learn of R&D programs and provide these sources with an opportunity to submit information which will permit evaluation of their capabilities. Potential sources which respond to advance notices shall be added to the appropriate solicitation mailing list for subsequent solicitation. Advance notices shall be titled "Research and Development Sources Sought," cite the appropriate Numbered Note, and include the name and telephone number of the contracting officer or other contracting activity official from whom technical details of the project can be obtained. This will enable sources to submit information for evaluation of their R&D capabilities. Contracting officers shall synopsisize all subsequent solicitations for R&D contracts, including those resulting from a previously synopsisized advance notice, unless one of the exceptions in 5.202 applies.

(b) *Federally Funded Research and Development Centers.* Before establishing a Federally Funded Research and Development Center (FFRDC) (see Part 35) or before changing its basic purpose and mission, the sponsor shall place at least three notices over a 90-day period in the (FAC 90-16) 5-3

MAC 8

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: EA prior to loan approval

Type: ---- Policy
 ---- Administrative
 ☒ Regulatory
 ---- Legislative

Agency Involved:
FmHA / RDA

Date Initiated: 12-3-93
By Whom:

---- State CERT
---- Reg. CERT
☒ Agency
---- Other

Contact Name and Phone:

Scott Duff
FmHA - Oregon
503 326-2731

ACTION:

Date sent to Agency: 12-6-93
Date Responded: 1-25-94

Contact Name and Phone:

Wayne Fairbush
202/720-2564

Response: due to NEPA,
 Can not oblig. funds
 prior to Envir. Assess.

Date sent to Reg. CERT: 1-27-94

Contact Name and Phone:

Scott Duff
503/326-2731

Reg. CERT Response:

Date sent to MAC:

Contact Name and Phone:

MAC Response:

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail --- FAX
 --- Meeting handout --- Bulletin Board

IDENTIFICATION OF PROCESS IMPROVEMENTS

(2)

Issue: ENVIRONMENTAL REVIEW REQUIREMENTS FOR RDA COMMUNITY AND BUSINESS PROGRAMS LOANS AND GRANTS

What is the Process Improvement?

A FmHA environmental review is required for each loan/grant request prior to obligation of funds for a specific application/project.

Why is it a problem?

The environmental review is a lengthy, complex process which must be fully completed before FmHA/RDA can issue a letter of conditions in order to approve a loan/grant and obligate funds. The review process adds at least 60 days to loan/grant processing time.

Who is affected by the process improvement?

The Customer/end user - They are faced with time delays.

The FmHA Staff - increases work load when staff resources are limited already and funding deadlines must be met.

When does the process come into play?

The FmHA environmental review is required to be completed prior to issuing a letter of conditions. The normal sequence of events is that an application is received, environmental review conducted, credit analysis performed, and letter of loan approval conditions issued to the applicant. If the applicant agrees to the loan approval conditions, the loan is then approved and funds obligated for the project.

Procedural Reference:

FmHA Instruction 1942-A, 1942.2(b)

Authorities Involved:

7 U.S.C. 1989; 42 U.S. C. 1480; 7 CFR 2.23; 7 CFR 2.70

Recommended Solutions:

Permit the Administrator to allow FmHA to include satisfactory completion of an environmental review as a condition in the letter of conditions, with the result that if the applicant accepted said condition, loan approval and obligation of funds could occur at that point. This would allow obligation of funds at least 60 days earlier for over 50% of projects which require a Class II environmental review.

APPLICATION PROCESSING TIMELINE PROPOSED STREAMLINED SYSTEM

Complete Preap to FmHA	Elig Determ	AD-622 Issued	Application Conference	PER* Env Info App Forms	App Complete	Env Assess Prelim Notice FONSI	Env Assess Complete	Letter of Conditions	Obligate Funds					
	(7)	(5)	(14)	(60)		(60)		(5)	(5)					
Day 1	-----	8	-----	13	-----	27	-----	87	-----	147	-----	152	-----	157
	[-----IRD Comment Period (30)-----]													

Obligate Funds	LAPIS Notice	Plan Submittals Docket Complete Plan Approval Closing Instr	Bids Opened Contract Documents	Construction		
	(7)	(60)	(60)			
157	-----	164	-----	224	-----	284

* PER = Preliminary Engineering Report

Proposed system for Class II Environmental Assessment project

157 days to obligation of funds and
284 days until start of construction

for Class I project

107 days to obligation of funds and
244 days until start of construction

BASIC ASSUMPTIONS
FOR
APPLICATION PROCESSING TIMELINE
PROPOSED STREAMLINED SYSTEM

1. Intergovernmental Review to run (30 days) concurrent with application processing.
2. District Loan Specialists delegated authority to make Community Program eligibility determinations.
3. Adequate Staffing.
4. Applicant and consultants reduce their processing time.
5. No environmental problems.

MAC 9

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: 404 Permits

Type: ---- Policy
 --X-- Administrative Time Element
 ---- Regulatory
 ---- Legislative

Agency Involved: Army Corp of Engineers

Date Initiated: 1-27-94

By Whom:

---- State CERT
---- Reg. CERT
---- Agency
--X-- Other

Contact Name and Phone:

Ross Burgess
5th Dist. Superv.
707/923-9653

ACTION:

Date sent to Agency:
Date Responded:

Contact Name and Phone:

Response:

Date sent to Reg. CERT: 1-27-94

Reg. CERT Response:

Contact Name and Phone:

Laura McFarland
503/326-2731

Date sent to MAC:

MAC Response:

Contact Name and Phone:

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail
 --- Meeting handout

--- FAX
--- Bulletin Board

APPENDIX A-1

IDENTIFICATION OF PROCESS IMPROVEMENTS

Issue: Long time period required by USACOE to process a 404 Permit.

What is the process improvement?

Reduction of the 6 to 12 month permit processing period or elimination of the duplication of regulatory authority which requires this permit.

Why is it needed?

Restoration projects require several steps to flow either sequentially or concurrently to be successful in a tight time frame. This sequence is approximately: gather field data, prepare project designs, NEPA/CEQA documents and proposals, secure funding, permit application and issuance, prepare/award contracts, construct project. Many projects have a 2 month construction window and funding limited to a fiscal year.

Who is affected by the process improvement? time frame. Timely permit processing is essential to success.

Agencies, local communities, natural resources.

When does the process improvement come into play?

During 404 permit processing.

Procedural Reference:

(Statutory or Rule)

The Clean Water Act requires restoration project sponsors to obtain a Section 404 permit before construction. In California, additional permits such as the Streambed Alteration (1603) from the CA Fish & Game and Water Quality Certification or Storm Water Permits from the CA Water Quality Control Board are required.

Authorities Involved:

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Possible Solution: 1. Streamline the processing. If the applicant has consulted with and acquired the necessary permits from CA Fish & Game and CA Water Quality Control Board and prepared adequate NEPA/CEQA documentation, why does an additional review take 6 to 12 months? This would save money and time for both the applicant and the regulator.

(SEE REVERSE SIDE FOR ADDITIONAL COMMENTS)

**** A process improvement is an improvement that encourages or creates a new system of service delivery to the customer. Proposed solutions should specify the advantages, both in labor and expense, to the program and the customer/end user.**

Possible Solution: (Continued)

2. Eliminate this level of permit requirements for watershed restoration projects or a class of restoration projects. This would save both regulator and regulated time and money and eliminate the duplication of regulation.
3. Request that the Corp issue a "Nationwide" category permit for watershed restoration projects or categories of projects. This is probably the cleanest solution and would conserve time and money.

Summary Sheet

Process Improvements and Impediments

Process Improvement No. _____

Issue: Temp increase in contract threshold

Type: --- Policy
 -X Administrative
 --- Regulatory
 -X Legislative

Agency Involved:
 Fed. Acquis. Reg.

Date Initiated: Jan 21, 1994
By Whom: --- State CERT
 --- Reg. CERT
 --- Agency
 -X Other

Contact Name and Phone:

Steven Shapiro
BLM

ACTION:

Date sent to Agency:
Date Responded:

Contact Name and Phone:

Response:

Date sent to Reg. CERT:

Contact Name and Phone:

Reg. CERT Response:

Date sent to MAC:

Contact Name and Phone:

MAC Response:

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State, CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail --- FAX
 --- Meeting handout --- Bulletin Board

Subject: Impediments to Targeting the Award of Federal Contracts in Economically Impacted Timber Dependant Communities Under "Jobs-in-the-Woods" or Similar Federal Stimulus Appropriations.

The land management agencies located in Washington and Oregon contract primarily for labor intensive projects such as tree planting, precommercial thinning, tubing and mulching of planted seedlings, etc. Agency offices, often located in timber dependant communities, request quotes for project work under \$25,000, in accordance with the Federal Acquisition Regulations Simplified Small Purchasing Procedures, from as few as three local vendors which greatly supports the probability of local employment. For projects over \$25,000, the Competition in Contracting Act (CICA) requires full and open competition, which includes advertising the proposed project on a national basis, and thus does not help to assure local employment.

Therefore, a temporary increase in the simplified small purchasing threshold from \$25,000 to \$50,000 or \$100,000 would greatly assist the Federal Government in targeting contracting opportunities to small impacted communities in a most efficient and expeditious manner. However, in conjunction with this change it would be imperative to raise the dollar thresholds of all relevant procurement legislation, such as Davis-Bacon Act, Service Contract Act (SCA), Miller Act and Competition in Contracting Act (CICA), to no less than the simplified small purchasing threshold. The Davis-Bacon Act is currently in effect at the \$2,000 threshold for construction work; SCA for services at \$2,500 and CICA at \$25,000.

While past attempts have been made to ~~make~~ these suggested changes it is believed that they offer the greatest opportunity to most fully support the direction mandated by the President at the Forest Summit.

M, 11

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: multi fund projects

Type: ☒ Policy - m.p.u.
 ☐ Administrative
 ☐ Regulatory
 ☐ Legislative

Agency Involved:

Date Initiated: 1-6-94

By Whom: ☐ State CERT
 ☐ Reg. CERT
 ☒ Agency
 ☐ Other

Contact Name and Phone:

Anne Berblinger
EDA
503/326-3078

ACTION:

Date sent to Agency:
Date Responded:

Contact Name and Phone:

Response:

Date sent to Reg. CERT:

Contact Name and Phone:

Reg. CERT Response:

Date sent to MAC:

Contact Name and Phone:

MAC Response:

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail --- FAX
 --- Meeting handout --- Bulletin Board

Identification of Process Improvements
(Barriers to Rural Development)

(3)

Agency, Resources, Program(s):

Economic Development Administration and Rural Development Administration

Issue Statement:

There are obstacles which make it unnecessarily difficult for applicants and agency staff to use funds from more than one agency in a single project.

RCERT Contact:

Scott Duff and Anne Beblinger

What is the Process Improvement:

A blanket Memorandum of Understanding which allows one agency to be designated "lead agency" on a project, and the other agency to transfer funds for the project to the lead agency after having determined that the project is fundable. It will then be the lead agency's job to perform all the standard federal reviews (civil rights, environment, compliance with other requirements, etc.), to approve the project, obligate the funds, disperse the funds, and notify the lead agency of progress.

Such an MOU was executed in the late 70's between EDA and FmHA, but was unilaterally abrogated by EDA some time ago. A new MOU needs to be developed.

Why is it needed:

Projects which have joint funding from two or more federal agencies now require multiple applications, multiple reviews, and multiple post-approval procedures. This is costly and time-consuming for the agencies and even more so for the applicants/grantees/borrowers.

An Initiative project from Oregon - a proposed infrastructure project for the Port of Siuslaw - has been assigned to RDA as the lead agency. The total project cost is \$775,000. \$25,000 is available in local cash and a preliminary RDA review indicates that the port can assume and amortize a loan of \$300,000. A grant of \$450,000 is needed, which EDA could provide. Recent joint EDA/RDA projects have required individual MOUs for each project, plus the multiple application and review processes. Following this procedure will double the time and effort needed to process this project, with no value added to the process. A new blanket MOU would prevent this problem.

Who is affected by the Process Improvement?

Any applicant whose project needs funding from more than one source, plus the federal taxpayers, who would not have to pay for duplicative unnecessary reviews.

When does the Process Improvement come into play?

ASAP

Process Improvement

1

Procadural Reference (Statute or Rule):

Authorities Involved:

Possible Solution:

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
FAX TRANSMITTAL

January 6, 1994

FROM: ANNE BERBLINGER PHONE (503) 326-3078 FAX: 326-6351

TO: Larry Burr (206) 220-7685, Jennifer Pratt (202) 690-0758,
Judith St. Claire (503) 326-5833, and Laura McFarland (503) 326-
2731

PAGE 1 of 3

Thos of you who don't know each other, please consider this an
Introduction by fax.

Larry is the EDA Public Works Chief in Seattle. Jennifer, Laura,
and Judith are all working on the process of getting these
barriers fixed.

I have taken a first cut at the form and I would like to now punt
to the rest of you. Larry, maybe you could fill in the part
about procedural reference and authorities, and provide it to
Laura. Thanks!

Anne B.

Summary Sheet
Process Improvements and Impediments

Process Improvement No. _____

Issue: USFWS impact statement outside project location

Type: --- Policy
 --- Administrative
 --- Regulatory
 --- Legislative

Agency Involved:

Fish and Wildlife / FmHA / EPA

Date Initiated: UNK

By Whom:

UNK --- State CERT
 --- Reg. CERT
 --- Agency
 --- Other

Contact Name and Phone:

ACTION:

Date sent to Agency:
Date Responded:

Contact Name and Phone:

Response:

Date sent to Reg. CERT: 12/93

Contact Name and Phone:

Reg. CERT Response:

Ken Brooks, EPA
503/326-3250
cc: Scott Duff, FmHA

Date sent to MAC:

Contact Name and Phone:

MAC Response:

Any Follow up Action:

Response forwarded to Agency, Regional CERT, State CERTs and initiating person.

Date: _____ by Whom: _____

Method: --- Mail --- FAX
 --- Meeting handout --- Bulletin Board

(1)

Background: Environmental review of FmHA projects requires consultation with the U.S. Fish and Wildlife Service (USFWS) for identification of potential endangered and threatened wildlife and plants (including candidate species) which may be impacted. Federal law requires that a biological assessment be conducted to determine if there is impact to a listed, proposed for listing, or candidate species.

Problem: Comments from the USFWS have recently included species within the township and range of a project location which may be impacted rather than those species which may be impacted in the vicinity of the project site.

FmHA is responsible for the biological assessment but has no "in-house" expertise in this area. FmHA must rely on a biologist with a natural resource organization or a consultant to perform the biological assessment and develop a mitigation plan if an identified plant or animal species is impacted.

The degree of investigation required of a biological assessment varies with the location and scope of the project. Time required to conduct a biological assessment may range from hours to months.

Proposed Solution:

1. Applicant contract with a natural resource organization or consulting biologist to perform the biological assessment.
2. Develop a method with input by the USFWS in which projects could be screened to determine if a biological assessment is required. Based upon information prepared FmHA would determine whether or not a biological assessment must be performed.
3. Oregon FmHA hire an environmental specialist with a degree in wildlife biology to perform biological assessments for the agency.
4. Oregon FmHA utilize a biologist from a State or Federal natural resource agency to perform biological assessments for FmHA.
5. FmHA National Office contact USFWS National Office in order to develop MOU for performance of biological assessments.

November 18, 1993

Impediments

1) District Loan Specialist's cannot make eligibility determinations on Community Programs preapplications. (Regulatory)

SOLUTION

allow State Director/CBP Chief to delegate authority to selected District Loan Specialist's to make eligibility determination at local level.

RESULT

Will reduce processing time for preapplications by 10 days to two weeks as the file will not have to be mailed between District and State Office.

2) District Loan Specialist's cannot approve any Community Program projects. (Regulatory)

SOLUTION

allow State Director/CBP Chief to delegate loan/grant approval authority of \$1,000,000 to selected District Loan Specialists.

RESULT

Will reduce processing time about one week for loans within District Office approval authority.

3) Intergovernmental review adds 45 days to the processing time for preapplications. (Regulatory and Internal)

SOLUTION

reduce time frame for intergovernmental review from 45 to 30 days and allow preapplications to be processed during the intergovernmental review period.

RESULT

preapplication processing time will be reduced by approximately 45 days.

4) Environmental submittals are often incomplete, requiring staff to request additional information from applicants and their consultants. (Internal)

SOLUTION

develop a standardized environmental submittal process (in process)

RESULT

environmental process will be reduced by approximately 15 days.

5) Environmental assessments often have to be revised as there is not a uniform process for the preparation of class II Environmental Assessments. (Internal)

SOLUTION

develop a standard class II Environmental Assessment format to be used throughout Oregon. (In Process)

RESULT

environmental process will be reduced by 15 days.

6) Oregon State Law dictates when local bond elections can be held. This can delay the approval of a project several months until an election can be held. (Statutory)

SOLUTION

Obligate funds subject to a successful bond election.

RESULT

will allow applicants to show "funds in hand" when approaching voters for authority to issue bonds.

7) Environmental Assessments often delay CBP Projects by 60-150 days. (Regulatory)

SOLUTION

allow funds to be obligated prior to completion of the environmental assessment. Final construction could not take place until the EIA is complete.

RESULT

Funds could be reserved subject to completion of the EIA 60 days sooner than under present procedures.

8) Applicants often not timely in submitting application information. (Internal)

SOLUTION

give binding deadlines for applicants and their consultants to submit application material.

RESULT

Project can proceed to obligation of funds stage 30 days sooner than under present system.

R6-FS-6200-3 (3/91)

United States
Department of
Agriculture

Forest
Service

MAC 14

FAX TRANSMITTAL COVER SHEET

DATE:

3/9

TIME:

8:10 AM

TO:

Steve Marshall MAC

FAX NO.:

(202) 205-1271

TELEPHONE NO.:

TOTAL NO. PAGE(S):

12 pgs

(Including Transmittal Sheet)

FROM:

Leo Corona

FAX NO.:

(503) 326-3834

TELEPHONE NO.:

(503) 326-3848

MESSAGE(S):

Steve: Enclosed are two documents you
requested. The joint ^{FS/BLM} ltr is currently being
routed for signatures. The Request for Class
Deviation was forward to Undersecretary Nash
If you do not receive all pages, please call back as soon as possible.

about one month ago. Approval would surely
 pave the way for many of our projects in
Regions 6 & 5. Call me if questions L

2 enclosures



United States
Department of
Agriculture

Forest
Service

R-6/PNW

Reply to: 6300

Date: January 18, 1994

Subject: Request for Region-Wide Class Deviation
Under FAR 6.302-2, Unusual and Compelling Urgency

To: Chief,

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Federal Law (41 U.S.C. 253) requires full and open competition in soliciting offers and awarding Government contracts. This means that acquisitions must be advertised in the Commerce Business Daily (CBD) for 15 calendar days before issuing a solicitation, with a least 30 days response time for receipt of bids or proposals from date of issuance of a solicitation and that "all responsible sources are permitted to compete" (48 CFR Part 6). The normal process of acquisition takes a minimum of 90 calendar days. The Act further provides for certain exceptions including "Unusual and Compelling Urgency" (41 U.S.C. 253(c)(2), FAR 6.302.2. FAR 6.303-1(c) and 6.304(c) provides that waiver of the full and open competition requirements can be made on a class basis and that the approval level shall be determined by the estimated total value covered by the request. We believe the estimated total of acquisitions which might be undertaken under this class waiver could exceed \$16 million. The Federal Acquisition Regulations (FAR) require that class deviations for total acquisitions needs above such a dollar level, not using full and open competition procedures, be approved by the Agency Senior Procurement Executive (FAR 6.304(a)(4)).

Accordingly, the following request is prepared in accordance with FAR 6.303-2:

- (1) Identification of the agency and the contracting activity.

USDA Forest Service

Region-Wide Acquisition Programs
in Support of Watershed Restoration Project Activities
("Jobs in the Woods" Initiatives)

- (2) Nature and/or description of the action being approved.

The focus of these activities is to implement interagency strategies developed by the Forest Ecosystem Management Assessment Team (FEMAT) to guide an interagency process for developing and selecting watershed restoration projects within the range of the northern spotted owl during fiscal year 1994.

The purpose of this class justification is to allow immediate acquisition of services (including construction-type work) to implement watershed restoration projects. Use of this authority is limited to contracting officers assigned to



offices within National Forests in Region 6 and Region 5. Each use of the authority under the class exception shall be in support of related projects developed and approved according to the Interagency Watershed Restoration Strategy for 1994, and will be approved by the Regional Director of Administrative Services.

(3) A description of the supplies or services required to meet the agency's need (including the estimated value).

The FEMAT report recommend specific categories of restoration activities that will include activities that will address the following areas:

- road erosion and sedimentation - services will include such work as stream diversion, upgrade, rerouting drainage.
- road upgrading - improving drainage ditches, rock road surfacing, mulching and revegetating road cuts and fills.
- riparian silviculture - services will include such work as river, streamside and "high-bar planting or seeding, conifer interplanting and aerial seeding.
- upland improvement - services will include intensive reforestation, interplanting, thinning, snag creation, light prescribed burning and stand improvement.
- stream channel restoration - services will include habitat improvement of fish and aquatic resources, restoring rearing and holding habitat and improving stream passage, catchments creation, bank stability and floodplain or channel restructuring.

(4) An identification of the statutory authority permitting other than full and open competition.

Other than full and open competition is authorized under 41 U.S.C. 253(c)(2), which allows an exception for unusual and compelling urgency (FAR 6.302-2).

(5) A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

All of the acquisitions made under this exception will be by competitive procedures to the maximum extent practical.

Use of the authority cited is needed because of the extremely short and uncertain timeframes available to get the watershed restoration projects awarded accomplished before the end of this fiscal year.

(6) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a CBD notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

The only deviation from the requirements of the FAR and the intent of the Competition in Contracting Act is that CBD notices will not be used for specific projects because of the uncertainty of when projects will receive NEPA approval and the short timeframes involved. The Region will, however, issue a general CBD notice describing the general class of procurements planned, as listed in (3) of this justification. Competition, when possible, will be solicited from not less than the number of sources required by the FAR to obtain reasonable competition for each acquisition. To the maximum extent

practicable, contracting officers shall consider other methods to give public notice of proposed contract actions as prescribed in FAR Section 5.101(b). Approval of this class deviation is, in accordance with the terms contained herein, for the period beginning on approval date until September 30, 1994.

(7) A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

Each acquisition will be certified by a warranted contracting officer that the cost of the awarded acquisition is considered fair and reasonable, that the extent of competition (including any market survey) is appropriate, under the circumstances, that the acquisition meets the terms of the exception, and that the executed Determination and Finding is accurate and complete to the best of the contracting officer's knowledge and belief.

(8) A description of the market survey conducted (see 7.101) and the results or a statement of the reasons a market survey was not conducted.

Market surveys, as appropriate, will be conducted for each acquisition in order to also meet the short-term urgency and long term goals of providing needed jobs in distressed communities.

(9) Additional facts supporting the use of other than full and open competition, such as an explanation of why specifications, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

Projects are currently being identified and developed by interagency teams, therefore making the statements of work not available at this time. Such documents will be available upon development of specifically approved projects and will be utilized at that time.

(10) A listing of the sources, if any, that expressed in writing, an interest in the acquisition.

All prospective offerors within the market area of the proposed acquisition will be given the opportunity to compete. It is anticipated that the magnitude of the projects, and their concurrent operation, will give all prospective offerors such an opportunity.

(11) A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

This class deviation shall expire September 30, 1994. The Senior Procurement Executive may revoke or suspend this authorization for cause prior to the expiration date.

(12) Contracting Officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

Each acquisition awarded using this authority will include a copy of this approved class waiver, a notation of approval at the appropriate level, the certification outlined in (7) above, by the contracting officer, and evidence and supporting data verifying that the procurement represents only the Government's minimum needs as certified by the technical personnel responsible for the project.