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United States  
Department of  
Agriculture

Office of the  
Assistant Secretary  
for Administration

**ACQUISITION OPERATING PROCEDURE (AOP)**

Office of Procurement  
and Property  
Management

**FROM:** Michael McFarland *Michael McFarland*  
Chief, Procurement Operations Division

Procurement  
Operations Division

**SUBJECT:** AOP No. 4: Ratification of an Unauthorized Commitment

Reporters Building  
300 7<sup>th</sup> Street, SW  
Suite 377  
Washington, DC  
20024

◆ **PURPOSE:** This Acquisition Operating Procedure is to provide guidance for the ratification of an unauthorized commitment. This procedure does not encourage such commitments being made by Government personnel but outlines a process for the review of such actions after-the-fact, if there is appropriate rationale. The Federal and Agriculture regulations establish that the Chief of the Contracting Office has the authority to ratify an unauthorized commitment.

◆ **AUTHORITIES:** Federal Acquisition Regulation 1.602-3 and Agriculture Acquisition Regulation 401.602-3, Ratification of Unauthorized Commitments.

*Ratifying Official*

*Dollar Threshold*

OPPM, Head Contracting Activity Designee (HCAD)  
Contracting Team Leads/Heads

\$25,000 and above  
up to \$25,000

◆ **PROCESS:** When the contracting staff learn that an unauthorized commitment has resulted from the actions of a Government Official:

- a) The Contracting Officer (CO) will send the form "Ratification of an Unauthorized Commitment," (Attachment 1) to the individual responsible for the unauthorized commitment.
- b) The Individual responsible for the unauthorized commitment must complete the "Ratification of an Unauthorized Commitment" and ensure the appropriate budget and Divisional signatures are obtained prior to sending the documents to the CO.
- c) The CO will ensure the accuracy and completeness of the information in the Ratification of an Unauthorized Commitment, and if proper, may recommend the action to the Ratifying Official for review.
- d) The Ratifying Official may approve or disapprove the unauthorized commitment. The contracting office will logged the document for receipt, assigned a control number, a copy will be retained in the appropriate contracting official file, and then the original will be provided to the CO for action.

Control #: \_\_\_\_\_  
(Contracting office will assign)

### Request for Ratification of an Unauthorized Commitment

This action is the result of an unauthorized commitment as defined in the Federal Acquisition Regulation (FAR) 1.602-3, and Agriculture Acquisition Regulation 401.602-3, Ratification of Unauthorized Commitments.

- 1. Nature of Action:** \_\_\_\_\_  
*(Explain how the unauthorized commitment occurred and describe the supplies/services rendered by the vendor)*
  
- 2. Name of Vendor:** \_\_\_\_\_  
*(List the vendor's name and address that provided the supplies/services)*
  
- 3. Price or Costs:** \_\_\_\_\_  
*(List the dollar amount of the supplies/services)*
  
- 4. Fair & Reasonableness:** \_\_\_\_\_  
*(Explain how the agreed price or costs was determined to be fair and reasonable)*
  
- 5. Date Accepted:** \_\_\_\_\_  
*(List the date the supplies/services were accepted by the Government)*
  
- 6. Bona Fide Need:** \_\_\_\_\_  
*(Explain why the Government had a bona fide need for the supplies/services)*
  
- 7. Benefits:** \_\_\_\_\_  
*(Explain the benefit(s) that the Government received from the supplies/services received)*
  
- 8. Contracting Process:** \_\_\_\_\_  
*(Explain why the normal contracting procedures were not followed requiring an approved requisition be sent to the contracting office and a valid contract vehicle to be issued by the Contracting Officer prior to obtaining the supplies/services)*

**9. Competition Effort:**

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*(Explain how the vendor was selected and provide a list of other vendors that were considered)*

**10. Funds Availability:**

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*(List the approved requisition number that shows funds are still available for the unauthorized commitment, if action is approved to be ratified)*

**11. Preventive Actions:**

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*(Explain actions taken by the supervisor to prevent recurrence of unauthorized commitments by this individual)*

**12. Other Supporting Facts:**

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*(Provide any other pertinent facts, e.g., invoice)*

**SUBMITTED FOR REVIEW AND APPROVAL:**

➤ I certify that funds were available at the time of the unauthorized comments and funds are available to process the ratified unauthorized commitment.

\_\_\_\_\_  
*Signature of Funds/Budget Official*                      *Title*    *Date*

➤ Based on the facts and circumstances, we determined the information to be accurate and complete.

\_\_\_\_\_  
*Signature of Responsible Person*                      *Date*    *Signature of Director Division*    *Date*  
\_\_\_\_\_  
*Title*

**CONTRACTING OFFICER'S DETERMINATION:**

After review of the facts and circumstances that lead to the unauthorized commitment, I have determined the circumstances leading up to this action have been satisfactorily explained, procedures to prevent reoccurrence is sufficient, a resulting contract would have been proper, the price is fair and reasonable based on \_\_\_\_\_ (*explain determination*), there appears to be no conflicts of interest, no laws violated, and the vendor is not debarred or ineligible for award. Attach comments if the action will not be recommended for review by the Ratifying Official.

\_\_\_\_\_  
*Contracting Officer*    *Date*

**GENERAL COUNSEL** (*if applicable*)

| | Approved | | Disapproved | | Approved Subject to the attached conditions:

\_\_\_\_\_  
*Legal*    *Date*

**DECISION OF THE RATIFYING OFFICIAL:**

- Approved:
- Disapproved:
- Approved Subject to the listed conditions:

\_\_\_\_\_  
*Contracting Team Lead/Head*    *Date*

\_\_\_\_\_  
*Head of Contracting Activity Designee*    *Date*