



ACQUISITION OPERATING PROCEDURE (AOP)

FROM: Kelly L. Moore
Mission Area Senior Contracting Officer

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Date: 2020.09.28 10:49:14 -06'00'

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

◆ **PURPOSE:** This Acquisition Operating Procedure provides guidance for ratification of an unauthorized commitments to ensure compliance with the federal regulations, and the USDA and mission area procedures. This procedure does not encourage unauthorized commitments being made by government officials, but provides guidance for the review of such actions after-the-fact, if there is appropriate rationale.

◆ **SCOPE:** This AOP applies to the Departmental Administration and Staff Offices for acquisitions issued by the contracting officers under the authority of the Mission Area Senior Contracting Officer.

◆ **EFFECTIVE DATE:** This AOP is effective on October 1, 2020.

◆ **REVISIONS:** *Revised in its entirety.*

This AOP replaces AOP No. 4, dated January 24, 2017.

◆ **AUTHORITIES:** Executive Order 12731, Principles of Ethical Conduct for Government Officers and Employees; and Federal Acquisition Regulation, Subpart 1.602-3 and USDA Contracting Desk Book, Subpart 401.602-3, Ratification of Unauthorized Commitments.

Ratifying Officials

- Mission Area Senior Contracting Official
- Deputy Chief, Procurement Operations Division
- Contracting Branch Chiefs

Dollar Thresholds

\$25,000 and above
\$10,000 up to \$25,000
Up to \$10,000

◆ **REFERENCES:**

- a. OIG Audit 50099-0001-12, Review of Expenditures Made by the Office of the Assistant Secretary for Civil Rights, dated September 14, 2015: Recommendation 9, *“Revise AOP to notify the appropriate supervisor of the unauthorized commitment and document the notification in the file.”*

- b. OIG Audit 50601-0002-21, Hispanic and Women Farmers and Ranchers Claim Resolution Process, dated March 30, 2016: Recommendation 1, *“Revise AOP to require officials to complete ratification actions within a specified time period after identification of unauthorized commitments.”*

◆ **PROCESS:**

- a. See the procedures and template in the USDA Contracting Desk Book, §401.602-3, Ratification of Unauthorized Commitments at <https://www.dm.usda.gov/procurement/policy/index.htm>.
- b. Ratification Log and Control Number
 - 1. The Ratification Log will be maintained by the Procurement Analyst in POD.
 - 2. The Branch Chief after signing the UAC will forward it to the Procurement Analyst to assign a control number onto the UAC, record it in the Ratification log, return the UAC to the Branch and save a copy on the share drive or SharePoint. For UACs requiring a higher-level official review above the Branch Chief, the Procurement Analyst will assign a control number onto the UAC, record it in the Ratification log, review the UAC to provide comments or changes, if required to the Branch Chief, and forward the UAC with revisions to the next higher-level official for review. The higher-level official may provide additional comments or changes. The Procurement Analyst will save a copy of the finalized UAC on the share drive or SharePoint before returning the UAC to the Branch Chief.
 - 3. To comply with USDA Contracting Desk Book §401.602-3 to *“submit an annual record of ratifications to OCP/PPD,”* the Procurement Analyst will by October of each fiscal year submit a copy of the POD Ratification Log for the fiscal year ending to OCP/PPD. The saved copies of the UACs are accessible for policy and audit reviews.

◆ **EXPIRATION DATE:** This AOP will remain in effect until canceled.