



United States
Department of
Agriculture

Department of Management

Management Services

Procurement Operations
Division

ITS Contracting Team

2150 Centre Avenue
Building A, Suite 145
Fort Collins, CO
80526-1891

7 JANUARY 2014

MEMORANDUM FOR BILL SHEPPARD

United Electric
P.O. Box 401
Salina, KS 67402

FROM: ITSCT/DM/MS/POD/ITSCT
2150 Centre Ave., Building A, Suite 145
Fort Collins, CO 80526

SUBJECT: Ratification of Unauthorized Commitment of Government Funds.

1. This letters follows up our conversation on 23 December 2013 regarding my direction to United Electric to cease and desist any further work associated with the cabling installation at Lawrence Kansas. The cabling installation that you completed on 17 September 2013 is an unauthorized commitment because the government did not issue you a contract to perform the work. The government will follow the ratification procedures that we discussed on the phone.

2. Your invoice #3920 dated 17 September 2013 is rejected. Note: An invoice submitted prior to the ratified (approval) of an unauthorized commitment is not considered proper because there was no contract issued prior to the unauthorized commitment action. If the unauthorized commitment action is ratified (approved), the contracting office will issue the contract and will instruct the contractor to submit a proper invoice through the Invoice Processing Platform (IPP) because it is not a valid invoice since there was not a contract.

3. As we discussed on the phone, "a claim for payment for any future unauthorized commitment action will be subject to resolution of the Federal Acquisition Regulation (FAR)1.602-3(b)(5) under the Contract Disputes Act of 1979, and should be processed in accordance with FAR subpart 33.2, Disputes and Appeals. This regulation is found at <http://www.acquisition.gov/far>."

4. Thank you for your cooperation through this process. Should you have any questions, please contact me at (970) 295-5365.

JASON KUHL
Contracting Officer