

# MS 733 Peace Corps Domestic Acquisition

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**Responsible Office:** Office of the Chief Financial Officer/Acquisition and Contract Management (OCFO/ACM)

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## 1.0 Purpose

This Manual Section establishes the policies for Peace Corps Domestic Acquisition, which involves acquisition of supplies and services by the Sub-Office of Acquisition and Contract Management within the Office of the Chief Financial Officer (OCFO/ACM).

## 2.0 Authority

- (a) Federal Acquisition Regulation (FAR) 48 CFR §1
- (b) Federal Procurement Reform, Public Law (P.L.) 98-191
- (c) Office of Federal Procurement Policy Act, as amended, 41 USC 414
- (d) Services Acquisition Reform Act of 2003, P.L. 108-136
- (e) Competition in Contracting Act of 1984 (P.L. 98-369)
- (f) Peace Corps Act

(g) Federal Activities Inventory Reform (FAIR) Act of 1998

(h) Assignment of Claims Act, 31 U.S.C. 3727

## 2.1 Related Peace Corps Manual Sections

(a) MS 114 *Delegation of Authority*, Attachment B – Contracts and Agreements

(b) MS 731 *Peace Corps Purchase Card Program*

## 3.0 Scope and Applicability

This Manual Section applies to Peace Corps contracting staff within OCFO/ACM involved in the acquisition of supplies and services, and other Peace Corps staff performing related acquisition functions.

This Manual Section does not apply to acquisitions awarded by Peace Corps posts, who utilize the Overseas Acquisition System in the acquisition of supplies and services. For additional information on the Overseas Acquisition System, see MS 732 *Peace Corps Overseas Acquisition System*.

## 4.0 Definitions

- (a) **Acquisition** means the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.
- (b) **Acquisition Planning** means the process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need in a timely manner and at a reasonable cost. It includes developing the overall strategy for managing the acquisition.
- (c) **Best Value** means the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.
- (d) **Contract** means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements.

- (e) **Contracting officer** means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the Contracting Officer.
- (f) **Contracting Officer Warrant** means the Certification of Appointment from the Senior Procurement Executive, which provides clear, written instructions authorizing an individual to perform the duties of a Contracting Officer.
- (g) **Contracting Officer's Representative (COR)** means an individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.
- (h) **Senior Procurement Executive** is the Director of Acquisition and Contract Management who is delegated the authority from the Peace Corps Director to maintain the Peace Corps procurement system, including implementation of relevant Federal laws, procurement policies, regulations, and standards applicable to the Peace Corps. (See MS 114 Delegation of Authority – Attachment B – Contracts and Agreements within subsection 7 of section A. Contracts)

## **5.0 Roles and Responsibilities**

### **5.1 Contracting Officer**

A Contracting Officer's responsibilities include, but are not limited to, the following:

- (a) Entering into, administering or terminating legal contracts between the United States Government and the contracting entity;
- (b) Ensuring that requirements have been met, and that sufficient funds are available for contract award;
- (c) Appointing, guiding and advising the COR of their responsibilities, expectations and that they may be held personally, financially, and/or criminally liable for unauthorized acts;
- (d) Ensuring and documenting that a proposed contract is in the best interests of the U.S. Government;
- (e) Ensuring contractors receive fair and equitable treatment;
- (f) Complying with the FAR,, additional policies set forth in this Manual Section, and other applicable laws and regulations; and
- (g) Following and complying with other responsibilities as set forth by the Senior Procurement Executive.

For additional information pertaining to the authority and requirements of a Contracting Officer, refer to Subpart 1.6 of the FAR.

## **5.2 Contracting Officer's Representative (COR)**

A COR is responsibilities include, but are not limited to, the following:

- (a) Ensuring that services and supplies conform to the quality and performance requirements of the contract;
- (b) Reviewing and approving contractor invoices using the rates and other fees established in the contract;
- (c) Keeping the Contracting Officer informed of substantive communications with the contractor;
- (d) Providing technical information for contract closeout
- (e) Conducting past performance and/or due diligence evaluations; and
- (f) Performing other specific technical and/or administrative functions in accordance with the Contracting Officer's COR appointment letter.

## **5.3 Office of the Chief Financial Officer/Acquisition and Contract Management/Domestic Contracting Division (OCFO/ACM/Domestic Contracting Division)**

The Domestic Contracting Division responsibilities include, but are not limited to, the following:

- (a) Coordinating with the Senior Procurement Executive to develop policies and procedures in accordance with the FAR;
- (b) Acquisition planning, contract award, and effective contract management;
- (c) Overseeing all contracting actions by Contracting Officers under the direction of the Senior Procurement Executive;
- (d) Ensuring that Contracting Officer's comply with the FAR, Peace Corps policies, and any additional laws, regulations and guidance;
- (e) Awarding, executing, administrating, and closing out of all non-post contracts for supplies and services.

## **5.4 Senior Procurement Executive**

The Senior Procurement Executive responsibilities include, but are not limited to, the following:

- (a) Monitoring the performance of the Peace Corps' acquisition activity and acquisition programs; evaluating the performance of those programs on the basis of applicable

performance measurements, and recommending the appropriate business strategy that aligns with the Peace Corps mission;

- (b) Promoting the use of full and open competition by establishing policies, procedures, and practices that ensure that the Peace Corps receives a sufficient number of competitive proposals from responsible sources, to fulfill the Agency's requirements.
- (c) Promoting appropriate use of performance-based contracting and performance specifications;
- (d) Establishing clear lines of authority, accountability, and responsibility pertaining to the decision-making process for acquisitions within the Peace Corps;
- (e) Determining and providing decisions for procurement matters, except for those required by law or regulation under other authority;
- (f) Managing the direction of acquisition for the Peace Corps, including development and implementation of the unique acquisition procedures, regulations, and standards while ensuring updates to policy and providing necessary training;
- (g) Developing programs to enhance the professionalism of the Peace Corps' procurement workforce, including the establishment of educational, training, and experience requirements for procurement personnel; and
- (h) Developing strategies and specific plans for hiring, training, and professional development.

For additional duties and responsibilities of the Senior Procurement Executive pertaining to this Manual Section, see MS 114 Delegation of Authority – Attachment B – Contracts and Agreements within subsection 7 of section A. Contracts and specific references throughout the FAR.

## **6.0 Delegation of Authority from the Senior Procurement Executive**

The Senior Procurement Executive is authorized to exercise all of the duties, responsibilities, and powers of the Peace Corps Director pertaining to Peace Corps procurement activities, unless specifically reserved to the Director or otherwise delegated to another employee. (See MS 114 – Delegation of Authority – Attachment B – Contracts and Agreements)

The Senior Procurement Executive may re-delegate procurement authority to qualified personnel within OCFO/ACM.

## **7.0 Domestic Acquisition Policy**

It is the policy of Peace Corps to carry out all procurement activities under this manual section resulting in the award, administration, and close-out of contracts which effectively meet the

needs of the Peace Corps while complying with applicable laws, regulations and guidance, and safeguarding the interests of the United States.

## **8.0 Procedures**

Procedures implementing this Manual Section are set forth in the FAR.

## **9.0 Effective Date**

The effective date of this Manual Section is the date of issuance.