

Department of the Interior Departmental Manual

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Series: Personal Property and Services

Part 401: General

Chapter 1: Procurement Regulations

Originating Office: Office of Acquisition and Property Management

401 DM 1

1.1 **Purpose.** This chapter describes the Department of the Interior Acquisition Regulation (DIAR) system for issuing policies, procedures, regulations, contract clauses, solicitation provisions, and forms relating to acquisitions by the Department of the Interior.

1.2 Authority.

A. The authority to issue amendments of, and additions to, published acquisition regulations and unpublished guidance under the DIAR system is vested in the Secretary pursuant to 5 U.S.C. 301 and 40 U.S.C. 486(c). This authority has been delegated to the Assistant Secretary - Policy, Management and Budget under 209 DM 4.1A.

B. The Director, Office of Acquisition and Property Management (PAM), has been delegated authority to issue amendments of, and additions to, unpublished internal guidance under the DIAR system in accordance with 212 DM 11.3B.

C. General delegations of procurement authority are covered in 205 DM 11.

1.3 Regulation Systems.

A. Federal Acquisition Regulations System.

(1) The Federal Acquisition Regulations System was established in accordance with the requirements of the Office of Federal Procurement Policy Act of 1974 (P.L. 93-400, as amended by P.L. 96-83). The system consists of the Federal Acquisition Regulation (FAR) which contains uniform policies and procedures for acquisitions by all executive agencies, and agency acquisition regulations that implement or supplement the FAR. The FAR is prepared, issued, and maintained, and the FAR system is prescribed jointly under their respective authorities by the Administrator, General Services Administration; the Secretary, Department of Defense; and the Administrator, National Aeronautics and Space Administration. The FAR is issued as Chapter 1 of Title 48 of the Code of Federal Regulations.

(2) FAR 1.301(a)(1) provides for an agency head to issue or authorize the issuance of agency acquisition regulations that implement or supplement the FAR and incorporate agency

policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between the agency (including any of its suborganizations) and existing or prospective contractors. FAR 1.301(b) requires agency heads to establish procedures to ensure that these issuances be publicized for public comment in the Federal Register as required by Section 22 of the Office of Federal Procurement Policy Act, as amended, and other applicable statutes, when they have a significant effect beyond the internal operating procedures of the agency or have a significant cost or are required to be codified in assigned chapters of Title 48 of the Code of Federal Regulations. The Department of the Interior has been assigned Chapter 14.

(3) FAR 1.301(a)(2) provides for an agency head to issue or authorize the issuance of internal agency guidance. These issuances do not need to be publicized for public comment in the Federal Register or codified.

B. Department of the Interior Acquisition Regulation System.

(1) The Department of the Interior Acquisition Regulation (DIAR) system has been established as part of the FAR system in accordance with the requirements set forth in FAR Subpart 1.3. The DIAR consists of:

(a) Published and codified Departmentwide regulations (Parts 1400-1479 of Chapter 14, Title 48 of the Code of Federal Regulations) which implement and supplement the FAR and govern the contracting process or otherwise control the relationship between bureaus and offices and existing or prospective contractors;

(b) Published and codified bureau/office acquisition regulations (Parts 1480-1490 of Chapter 14, Title 48 of the Code of Federal Regulations) which implement or supplement the FAR, govern the contracting process or otherwise control the relationship between bureaus and/or offices and existing or prospective contractors, and satisfy specific and unique needs of a bureau or office;

(c) Unpublished Departmentwide internal guidance which does not have a significant effect beyond internal operating procedures of the Department or a significant cost or administrative impact on existing or prospective contractors; and

(d) Unpublished bureau or office internal guidance which implements or supplements the FAR or DIAR (or other higher level coverage which has previously undergone the public comment process) and does not have an additional significant cost or administrative impact on existing or prospective contractors.

(2) Regulations implementing the FAR or DIAR are numbered using Parts 1401 through 1479. Supplementary material is numbered using Parts 1480 through 1490. Numbers for implementing or supplementing regulations by bureaus/offices are preceded by prefix to the digit 14 (indicating chapter 14-DIAR) for the organization indicated by lettered appendix as follows:

(A)	Bureau of Indian Affairs
(B)	Office of the Secretary
(C)	Bureau of Reclamation
(D)	Bureau of Land Management
(E)	U.S. Bureau of Mines
(F)	U.S. Geological Survey
(G)	Office of Surface Mining Reclamation and Enforcement
(H)	Minerals Management Service
(I)	National Park Service
(J)	U.S. Fish and Wildlife Service

e.g., FAR 1.3 then DIAR 1401.3 (Department level) then in Appendix A, BIA 1401.3 (Bureau level)

1.4 **Procedures for Issuance and Maintenance of the DIAR System.**

A. Published and Codified Departmentwide Acquisition Regulations.

(1) These issuances are developed by the Acquisition and Assistance Division, Office of Acquisition and Property Management (PAM), in consultation with bureau and office officials, the Office of the Solicitor (SOL), the Office of Small and Disadvantaged Business Utilization (OSDBU) as required by 111 DM 8.2B, other affected Departmental offices, and members of the general public. They are prepared for signature of the Assistant Secretary - Policy, Management and Budget pursuant to 209 DM 4.1A, or the Deputy, and issued in accordance with 318 DM.

(2) Pursuant to FAR 1.304, these issuances are limited to implementing and supplementing policies, procedures, and regulations which require public comment and which do not unnecessarily repeat, paraphrase, or otherwise restate coverage contained in the FAR or conflict with FAR content.

(3) These releases are published in Parts 1400 through 1479 of Chapter 14, Title 48 of the Code of Federal Regulations, and conform to the FAR in format, arrangement, and numbering system.

(4) After adoption as a final rule and publication in the Federal Register, these releases are issued in loose-leaf form, numbered and printed on light blue paper, and distributed to bureaus and offices. Section numbers of these issuances are underlined to indicate that they are published regulations.

(5) These issuances are considered basic regulations of the Department and are mandatory for use by all bureaus and offices. Because of the technical and detailed nature of the material contained in them, they are not printed in the Departmental Manual. Instead, they are prepared on sheets entitled ADEPARTMENTAL MANUAL, identified as part of the AINTERIOR ACQUISITION REGULATION SYSTEM, and cross-referenced as A401 DM Addition to the FAR. The A401" indicates this part as the point of reference and the AAddition to the FAR@ indicated that the release is a Departmental supplement to the FAR.

(6) Reviews of these releases are conducted by the Acquisition and Assistance Division, PAM, on a continuing basis as prescribed in 318 DM. Rules scheduled for review or development under the DIAR are included in the Department=s Semiannual Agenda of Rules.

B. Unpublished Departmentwide Internal Guidance.

(1) These issuances are developed by the Acquisition and Assistance Division, PAM, in consultation with bureau and office officials, SOL, OSDBU (as required by 111 DM 8.2B), and other affected Departmental offices. They are prepared for the signature of the Director, PAM, pursuant to 212 DM 11.3B, and issued in accordance with 318 DM.

(2) Pursuant to FAR 1.301(a)(2), these releases are limited to internal guidance involving operating procedures of the Department which do not have a significant cost or administrative impact on existing or prospective contractors. Therefore, these issuances are not published for comment in the Federal Register.

(3) These releases are issued in loose-leaf form, numbered and printed on light blue paper, and distributed to bureaus and offices. They conform to the FAR in format, arrangement, and numbering. Section numbers in these issuances are not underlined to indicate that their contents are not published in the CFR.

(4) These issuances are considered basic regulations of the Department and are mandatory for use by all bureaus and offices. Because of the nature of the subject matter contained in them, they are not printed in the Departmental Manual and are issued in the same manner as described in 401 DM 1.4A(5).

C. Published and Codified Bureau Acquisition Regulations.

(1) Bureaus and offices may develop and issue subsidiary acquisition regulations in accordance with the provisions of 318 DM.

(2) These regulations are limited to provisions which implement or supplement the FAR or DIAR, govern the contracting process or otherwise control the relationship between a bureau and existing or prospective contractors, and satisfy special and unique needs of a bureau. They do not repeat, paraphrase, or restate material already contained in the FAR system.

(3) These regulations are prepared in accordance with 318 DM and FAR subparts 1.3 and 1.5 and are transmitted to the Director, PAM, for review prior to approval by the

Assistant Secretary - Policy, Management and Budget, or the Deputy.

(4) These regulations are published in the Federal Register and codified in parts of 48 CFR as assigned in 401 DM 1.3B(2). They conform with the FAR system format and arrangement.

(5) Reviews of these regulations shall be conducted by the head of the contracting activity on a continuing basis as prescribed in 318 DM. Bureau regulations scheduled for review or development shall be included on the Department=s Semiannual Agenda of Rules.

D. Unpublished Bureau Internal Guidance.

(1) Bureaus and offices may develop and issue, pursuant to 381 DM, internal guidance which is necessary for administrative implementation of FAR or DIAR requirements (or other higher level coverage which has previously undergone the public comment process) and which does not have a significant cost or administrative impact on existing or prospective contractors.

(2) These issuances shall be kept to a minimum and shall not repeat, paraphrase, or restate material already contained in the FAR or DIAR system.

(3) Pursuant to DIAR 1401.304(c), heads of contracting activities shall establish and implement formal procedures for oversight and control of all unpublished issuances to ensure consistency and uniformity, prevent unnecessary restatement of higher level issuances, and control the overall number of releases.

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