



Regional Contracting Office East (RCO-East)

UNAUTHORIZED COMMITMENTS
(2021)



Agenda



- Definition
- Violation and Liability
- Examples
- What to do?
- Ratification Process
- Prevention
- Points of Contact



Definition



An agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government. Ref: FAR 1.602-3(a)

What authority is required?

A contracting warrant

GCPC holder

Ordering Officer Appointment





Violation and Liability



- Purchasing prohibited items or services or exceeding spending or funding threshold
- Can be held Personally Liable for the amount purchased
- Suspension from duty without pay, other administrative sanctions, demotion or termination of employment
- A fine of up to \$5,000, imprisonment for up to 2 years (31 U.S.C. §§ 1350,1519)



Examples



- Contracting Officer's Representative tells vendor Government will exercise an option before period of performance ends; contract ends, no option exercised, and services continues
- A person, without procurement authority, orders supplies or services before a contract is awarded; and receives goods
- Purchase card holder exceeds their Government Commercial Purchase Card spending limit
- Gen's Aide needs coins for his boss and tells a reliable vendor, one that his predecessor used, and tells the vendor he has authorized funding which the vendor construes as an order & ships the coins.



What to do?



- If an unauthorized commitment is suspected:
- Ask questions and understand the facts
- Determine if goods or services have been received by the Government
- STOP performance or delivery
- Verify UAC with the Contracting Office
- MCIEAST-MCB POC for Unauthorized Commitments:
Stella Butler 910-451-1242 stella.butler@usmc.mil
- After it's determined an UAC... begin ratification process



Ratification Process

- Starts with a statement of facts by the person who made the UC
- Includes supporting docs, if applicable
- All ratifications requires Commanding Officer's endorsement (any \$ amount)
- The CO is defined as the first General Officer in the chain-of-command above the individual who made it
- Endorsements may not be "By direction"





Prevention

- Ensure the vendor knows you are NOT authorized to place orders
- Add a standard disclaimer in the correspondence when communicating with vendors, such as:

“The originator of this correspondence does not have the authority to obligate the Government. This request is being used to estimate costs and availability for planning purposes only and does not constitute a commitment to purchase goods or services.”

- Engage Base Contracting--EARLY
- Procurement Chief: MSgt Britton (910) 451-5182



Points of Contact

- Director of Contracting (LtCol Ingold)(910) 451-7843
- Deputy Director of Contracting (Dr. Sherry Gaylor)(910) 451-7842
- Procurement Chief (MSgt Britton) office: (910) 451-5182 cell: (910) 548-3287
- MCIEAST Small Business Representative (Christopher Rabassi)(910) 451-8424
- Red Team Leader (Harold Kostem)(910) 451-1535
- White Team Leader (Coleman Scott)(910) 451-4919
- Blue Team Leader (Laurie Lenser)(910) 451-1467
- GCPC (John Outlaw)(910) 451-4599
- **E-Business Support WAWF/PIEE/Economy Act/MIPRs/Corts/PR Builder/ UUAM's (Wayne Gray)(910) 451-5520**
- Unauthorized Commitments, Economy Act/MIPRs (Ms. Stella Butler)(910) 451-1242 & (Wayne Gray)(910) 451-5520

When in doubt contact us!
A phone call or face to face meeting can greatly reduce friction and delay in the Acquisition process





QUESTIONS???