



DEPARTMENT OF THE NAVY
NAVAL EDUCATION AND TRAINING PROFESSIONAL
DEVELOPMENT AND TECHNOLOGY CENTER
6490 SAUFLEY FIELD ROAD
PENSACOLA, FLORIDA 32509-5237

IN REPLY REFER TO:

NETPDTCINST 4200.1A
N86

10 MAR 2003

NETPDTC INSTRUCTION 4200.1A

Subj: **UNAUTHORIZED COMMITMENTS TO CONTRACTORS AND PROCEDURES
FOR PROCESSING RESULTANT CONTRACTOR CLAIMS**

Ref: (a) Federal Acquisition Regulation (FAR) 1.602-3
(b) NAVSUPINST 4200.85C
(c) NAPS 1.602-3

1. **Purpose.** To publish information cautioning personnel against making unauthorized commitments and to issue procedures for processing a contractor claim in the event of an unauthorized commitment.

2. **Cancellation.** NETPDTCINST 4200.1

3. **Background.** Per references (a) and (b), no person, other than duly designated contracting officers acting within the scope of their authority, will commit the Government or enter into or modify a contract. While it is recognized immediate action may be necessary in rare cases to obtain needed supplies or services, the need to provide prompt notice to a contractor does not justify the making of contractual commitments by other than authorized personnel. Timely contractual coverage can be provided within the framework of present procedures with proper initiative and follow-through. Under certain circumstances, criminal and administrative penalties are provided for unauthorized obligation of appropriations.

4. **Action**

a. Only NETPDTC contracting officers, ordering officers and designated Government Purchase Card holders will establish commitments with contractors.

b. N86 will not issue procurement actions after the fact for unauthorized commitments.

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c. Any person making an unauthorized commitment will forward the following information to N86 concerning the transaction.

(1) Description of the supplies/services furnished as a result of the unauthorized commitment.

(2) A statement, signed by the person making the commitment, which describes the circumstances, why normal procurement procedures were not followed, what bona fide government requirement necessitated the commitment, whether any benefit was received, it's value, and any other pertinent facts.

(3) An analysis of why the contractor's price for the supplies/services was considered reasonable.

(4) An original invoice and three copies. NOTE: Invoice and total amount claimed must agree.

(5) Purchase requisition (NAVCOMPT Form 2276) with funding citation for the fiscal year in which the unauthorized commitment occurred.

d. Department Directors/Special Assistants will forward a statement for the Commanding Officer's signature which, (a) verifies the accuracy and completeness of the documentation, and (b) describes the measures taken to prevent a recurrence of unauthorized commitments.

e. N86 will review all unauthorized commitments for compliance and pursuant to reference (c) will forward to the Commanding Officer for release.


G. B. DYE

Distribution: (NETPDTCINST 5216.1G)
Lists I and II

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