

*Administrative Record:
Contractor's Role*

- Develop a schema for indexing the AR
- Develop a strategy for maintaining the AR
- Gather records and materials
- Maintain the AR and the index
- Compile the AR
- Deliver the AR

*Administrative Record:
BLM's Role*

- Communicate expectations for AR development and management
- Ensure the record is maintained regularly
- Ensure internal records make it into AR
- Ensure record is substantially complete *before* a decision is signed
- Certify a true and correct copy of the AR

*Administrative Record:
Solicitor/DOJ Attorney's Role*

- Assist with organizing the AR
- Review records and negotiate "privileges"
- Can be consulted regarding document relevance, searching for documents, organizing the index, etc.
- Get familiar with the AR

***Administrative Record:
Best Practices in Contracted Projects***

- Define your team’s internal expectations
- Articulate expectations in RFP, SOW, and start-up meetings
- Check with Solicitor’s Office for current format requirements
- Work with the Contractor to develop a framework for AR index
- Account for AR management in your Communications Protocol
- Consider including a “Read-me” file
- “Check in” regularly on the status of the AR

FAR Definition of Closeout

- 4.804-1(a)(2). Files for firm-fixed price contracts, other than those using simplified acquisition procedures, should be closed within 6 months after the date on which the contracting officer receives evidence of physical completion.

Record Retention

- Contracts (and related records) exceeding the simplified acquisition threshold must be retained for 6 years and 3 months after final payment
- When contract is under investigation, in (or pending) litigation or appeal, or similar matters records must be retained until final clearance or settlement

CPARS FAR Directions

- FAR 42.15 (2) Agencies shall establish focal points and register users to report data into the FAPIIS module of PPIRS. Instructions on reporting are available at <http://www.ppirs.gov>
- (3) For information that may be covered by a disclosure exemption under FOIA, the CO shall follow the procedures at 9.105-2(b)(2)(iv)

Reviewing Proposals

- Develop a sufficient number and succinct selection criteria
- Form a Technical Proposal Evaluation Committee (TPEC) of 3 to 5 members
 - Comprised of a BLM PM, Proponent representative; 1 or 2 seasoned BLM IDT members.
- TPEC members review proposals individually before the “group think”

Remember:

The NEPA document is the BLM’s document – the BLM is ultimately responsible for the content of the NEPA document and the decision.

Project Leadership

- It's important to have a strong a Project Manager(s) with:
 - An excellent understanding of NEPA procedures and case law
 - Strong leadership skills
- A PM is similar to an Incident Commander managing a project as opposed to a fire or another incident

Why Should BLM Contract?

- Build the exact team you need
- Meet project schedules
- Carry out multiple processes while maintaining BLM focus on key priorities

SOW/RFPs

- SOW
 - Communication tool
 - Risk management tool
 - Process document
- RFP
 - Be realistic about level of support needed
 - Streamline by only requesting what's needed
 - As with SOW, be specific

Improving Communication

- Write a brief plan
- Use a knowledgeable/supported BLM PM
- Find a communication style that works for you
- Keep communication simple and regular

Managing Deliverables

- Build in time and budget for meaningful review
- Be sure team understands the goals of the review
- Coordinate reviews and schedules well in advance

Manage Project File/AR

- Develop/use a simple process
- Make it someone's primary responsibility
- Use available tools
- Make sure key decisions and rationales are documented

Statements of Work

- Clearly delineate all expectations
- Think through every step of the project
- Ask others for input
- Avoid vague SOWs; be as specific as possible

Memoranda of Understanding

- An MOU should clearly demonstrate the BLM's impartiality in a third-party process
- A well-defined MOU protects the process from undue influence by proponents

Evaluating the Proposals

- Hire people not firms
- Get references and check them
- Conduct interviews
- Understand the technical approach and assumptions in the proposal

Improving Communication

- Typically, projects fail due to a lack of clear and consistent communication
- Communication is two-way street
- Weekly conference calls can be of great value

Managing the Administrative Record

- The AR is the most important part of the project
- Include a requirement for the AR Plan in the SOW/RFP
- AR process must include a file index that meets SOL and BLM requirements
