

# BUREAU OF INDIAN AFFAIRS EASTERN REGION



## REGIONAL INDIAN SELF-DETERMINATION IMPLEMENTATION PLAN

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Procedures for the Implementation of Delegation of  
Authority, Public Law 93-638, the Indian Self-  
Determination and Education Assistance Act,  
as amended

*Indian Affairs User*

*January, 2015*

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**PROCEDURES FOR THE IMPLEMENTATION OF DELEGATED  
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**1. GENERAL**

**1.1 Purpose.** The purpose of this manual is to establish procedural requirements to implement the delegation of authority to the Eastern Region to approve, decline, award, modify, and perform all other functions on the administration of non-procurement, non-construction and construction contracts, and to make determinations and findings in respect thereto, under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, as amended. This manual does not pertain to Title IV-Tribal Self-Governance Program of the Act.

**1.2 Policy.** It is the Policy of the Eastern Region, Bureau of Indian Affairs to provide for the maximum service delivery in the processing of Public Law 93-638 contracts submitted by the following Tribes/Tribal Organizations who are within the Region's jurisdiction, while ensuring full compliance with all applicable laws, regulations, and policies to ensure sound management control and business decisions.

<u>Tribe</u>	<u>Code</u>
Passamaquoddy-Indian Township	AASS00014T
Passamaquoddy-Pleasant Point	AASS00015T
Passamaquoddy JTC	AASS00014T
Passamaquoddy PP Housing	AASS00015T
Penobscot Indian Nation	AASS00018T
Houlton Band of Maliseet	AASS00019T
Mashantucket Pequot	AASS00020T
Miccosukee Tribe	AASS00026T
Narragansett Indian Tribe	AASS00027T
Poarch Creek Indians	AASS00028T
Wampanoag Gay Head	AASS00030T
Aroostook MicMac	AASS00031T
Catawba Indian Nation	AASS00032T
Mohegan Indian Tribe	AASS00033T
Jena Band of Choctaw	AASS00034T
Masphee Wampanoag	AASS00035T
Tunica Biloxi	AASS00336T
Chitimacha Tribe	AASS00970T
Coushatta Tribe of Louisiana	AASS00971T
Shinnecock	AASS50036T
Seneca Nation	AASS51004T
Onondaga Indian Nation	AASS51006T

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St Regis Mohawk	AASS51007T
Tonowanda Band of Seneca	AASS51008T
Tuscarora Nation	AASS51009T
Oneida Nation	AASS51011T
Cayuga Nation	AASS51013T
Eastern Band of Cherokee	AASS52001T
Cherokee Boy's Club	AASS52001T
Seminole Tribe of Florida	AASS53021T
Mississippi Band of Choctaw	AASS78980T
MIE Beatrix Rafferty School	AASS001010
MIE Indian Island School	AASS001010
MIE Indian Township School	AASS001010

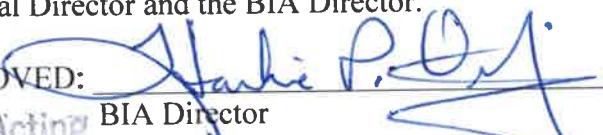

**1.3 Scope.** This manual shall be used to implement the authorities delegated in 10 BIAM and its related Eastern Regional Office Addenda. The procedures contained herein satisfy the requirements of the Eastern Regional Office Implementation Plan developed in accordance with 13 BIAM Supplement 2 Release No. 122 issued August 10, 2006.

**1.4 Authority.** Public Law 93-638, the Indian Self-Determination and Education Assistance Act, as amended, and promulgated regulations cited in 25 CFR Part 900. Funds are appropriated pursuant to the Snyder Act of November 2, 1921, (25 U.S.C. 13), and Acts subsequent thereto.

**1.5 Effective Date.** This procedures manual shall be effective on the date signed by the Regional Director and the Bureau of Indian Affairs Director. Its provisions shall remain in effect until it is amended, superseded, or revoked by the Regional Director and the Bureau of Indian Affairs Director.

**1.6 Amendment to Implementation Plan.**

This Plan may be amended, revised at any time upon a bilateral agreement between the Regional Director and the BIA Director.

APPROVED:  Date: 2/2/2015  
 BIA Director

APPROVED:  Date: Feb 2, 2015  
Regional Director – Eastern Region

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**2. PROCESSES AND PROCEDURES**

**2.1 Designation of Key Officials – Separation of Duties.** The following officials are designated to provide for distinct separation of key duties and responsibilities in authorizing, processing, recording, and reviewing transactions involved in the contract approval and award process.

**A. Approving Official.** The Approving Official shall be specific by position, and not to an individual. The Approving Official for ERO shall be the Deputy Regional Director (or Acting) for BIA programs; ERO Education Line Officer (or Acting) for Education programs; and the District Special Agent in Charge (or Acting) for Law Enforcement Programs. In addition, ERO Superintendents at Choctaw and Cherokee Agency shall be the designated Approving Officials for the Tribes in their Agency jurisdiction (Choctaw Agency Superintendent for Mississippi Band of Choctaw and Cherokee Agency Superintendent for Eastern Band of Cherokee, Seneca, Cayuga, Oneida, and St. Regis Tribes). The responsibilities and duties of the Approving Official include, but are not limited to:

- (1) Ensure that an acknowledgement letter is sent to the submitting Tribe after receiving a complete application and authorizing Tribal resolution within two days of the receipt of a proposal.
- (2) Ensure the contract application is reviewed to determine that all items required by 25 CFR Part 900, Subpart C, 900.8 and/or 900.12 have been submitted.
- (3) Ensure that within 15 days the applicant is notified in writing of any missing items required by 25 CFR Part 900, Subpart C – 900.8 or 900.12 and request that the items be submitted within 15 days of receipt of the notification.
- (4) Ensure the proposal is reviewed to determine whether there are declination issues under Section 102(a)(2) of the Act and 25 CFR Part 900, Subpart E. If declination issues exist, ensure technical assistance is provided to overcome the stated objections in accordance with Section 102(b) of the Act, and 25 CFR Part 900, Subpart E.
- (5) Determine the applicable funding level for the contract in accordance with Section 106(a) of the Act.
- (6) Ensure that within 90 days after receipt, the proposal is reviewed, approved, and awarded or is declined in compliance with Section 102 of the Act and 25 CFR Part 900, Subpart E. Ensure that a 90 day proposal log is maintained to ensure the Secretary reviews, approves, and awards the contract or declines the proposal within the timeframe set in Section 102 of the Act.

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- (7) Ensure compliance with appropriation law and use of appropriated funds.
- (8) Ensure the timely and effective transfer of Federal Government contracted responsibilities and funding to the tribal government.
- (9) Ensure the timely and effective return of Federal Government responsibilities in accordance with 25 CFR Part 900, Subpart P in the event of retrocession and reassumption regarding contracts, grants, and cooperative agreements.

**B. Awarding Official.** The Awarding Officials shall be the Self-Determination Officer and a portion of the duties shall be shared with ERO Self Determination Specialists as determined by the Awarding Official. The Awarding Official designation is delegated by the Regional Director to the Self-Determination Officer. The authority of such delegation is stated in the memorandum of delegation of authority to award and modify non-procurement, non-construction and construction contracts under Public Law 93-638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 b (j)), as amended. The responsibilities and duties of the Awarding Official include, but are not limited to:

- (1) Negotiates, awards contracts, and contract modifications or amendments within 90 days of receipt of the approval letter signed by the Regional Director (Approving Official).
- (2) Executes the obligation of the contract action by:
  - (a) Attaching an FBMS Entry Document (FED) showing that funds are available on an attachment to the PR and the signed SF-26 award document or SF-30 modification document for signature of the Budget Official certifying that funds are available.
  - (b) Prepares and signs a Purchase Requisition (PR) for entry into the Financial Business and Management System (FBMS) by a regional ACQ Requisitioner (ACQ\_REQ).
  - (c) Purchase Requisition is approved and certified by the ACQ Certifying Funds Approver (ACQ\_CFA) and ACQ PR Approving Official (ACQ\_AO) (can be same individual).
  - (d) Approved Purchase Requisition is assigned to the Financial Assistance Agreements Officer (FA\_AGO) or Financial Assistance Grants Specialist by the ACQ Expediter (ACQ\_EXP) in PRISM.

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- (e) The FA\_AGO releases award or modification in PRISM upon receipt of tribal authorization.
- (3) Ensures the transactions are properly documented by maintaining the official contract file.
- (4) Complements the technical knowledge of program officials with expertise in business and other administrative areas, such as adequacy of the tribal organization's plans to accomplish contract objectives and to comply with program requirements, evaluation of the quality of tribal organization's performance and availability of funds.
- (5) Ensures compliance with all appropriate laws, rules, regulations, policies, and procedures.
- (6) Issues correspondence involving business management aspects of contracts and represents the Government on contractual management matters before the public, in litigation, and administrative appeals.
- (7) Exercises contracting authority as otherwise established in law, regulations, manuals, and this supplement.
- (8) Implements applicable policies and procedures.
- (9) Provides assistance, consultation, and training to program officials and tribal organizations.
- (10) Reviews and evaluates business management aspects of applications to assure compliance with applicable regulations and policies.
- (11) Negotiates cost-schedule, Federal Government oversight and review, and administration of fiscal terms and awards.
- (12) Prepares, issues, and tracks awards; certifies that all legal, regulatory and policy requirements are met, and certifies that award amounts are accurate and appropriate.
- (13) Tracks, reviews and analyzes post award actions; identifies and resolves management and administrative problems that arise during performance.
- (14) Advises the tribal organization of any violation of the contract terms and provisions and promptly brings the matter to the attention of the Approving Official if the tribal organization fails or is unable to correct or stop the violation.



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- (15) Reviews any proposed modifications initiated by the tribal organization and furnishes recommendations regarding their costs, need, etc.
- (16) Ensures contract funds are used for the purpose intended, ensures cash on hand is not excessive and ensures that accounting and appropriation data are correct. Ensures vendors and/or contractors (tribes/tribal organizations) are registered in the System for Awards Management (SAM) and the Automated Standard Application for Payments (ASAP).
- (17) Completes periodic on-site monitoring visits and management system reviews for ERO Tribes/Tribal Organizations as funding allows. Submits the completed reports within 90 calendar days of the monitoring review into the appropriate contract/grant files.
- (18) Reviews contract progress reports for acceptability by recommendation of the designated Awarding Official's Technical Representative.
- (19) Ensures that all accountable real and personal property purchased with contract funds or provided as Federal Government furnished property are accounted for, tagged, and inventoried annually, as well as ensure that laws, regulations, departmental and Bureau directives are followed in the excess and disposal processes.
- (20) Acts as consultant to the tribal organization on management and administrative matters through site visits and other management assistance services; and initiates formal action when necessary to protect the Federal Government's interests.
- (21) Initiates independent audits, as warranted.
- (22) Ensures timely resolution of audits and the Single Audit Act, as well as ensures follow-up actions are taken.
- (23) Serves as Property Officer (both real and personal property) to ensure proper certification of annual inventories, utilization and disposal procedures for excess real and personal property according to applicable laws and regulations. Certification of Federal Government furnished property for tribal organization use and donation of excess property in the performance of the contract.
- (24) Ensures financial and narrative reports are received in compliance with the Department of Interior reporting system for P.L. 93-638 contracts and grants as required by BIA, as appropriate.

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- (25) Conducts final reviews of completed contracts, makes adjustments or appropriate disallowances, ensures proper disposition of property, and formal closeout of contracts.
- (26) Prepares and executes determination and findings in addition to memos submitted to specific contract files.
- (27) Designates a representative(s) to serve as the Awarding Official's Technical Representative (AOTR) or the Subordinate Awarding Official's Technical Representative (SAOTR) after consulting with the Approving Official in that jurisdiction.

**C. Awarding Official's Technical Representative (AOTR).** Designation(s) of Awarding Official's Technical Representative (AOTR) shall be specific to an individual, and not by position, and shall be appointed by the Awarding Official. The ERO program staff, in most instances, shall be appointed as the AOTR. These appointed positions are an extremely important aspect of the contract management team that will be responsible for the successful administration and completion of all P.L. 93-638 contracts. Duties and responsibilities of the AOTR shall include, but are not limited to the following:

- (1) Become thoroughly familiar with the terms and conditions of the contract.
- (2) Prepares a plan for annual program monitoring the contract and submit it to the Awarding Official within 45 calendar days of receipt of the designation memorandum.
- (3) Recommends resolution of questions of fact with regard to quality and acceptability of work performed when determining compliance with the terms and provisions of the contract.
- (4) Advises the tribal organization of any violation of the contract terms and provisions, and promptly brings the matter to the attention of the Awarding Official if the tribe or tribal organization fails or is unable to correct or stop the violation.
- (5) Reviews any proposed modifications initiated by the tribe or tribal organization and furnishes recommendations regarding their cost, need, etc., to the Approving Official and Awarding Official.
- (6) Maintains a working contract file.



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- (7) Assists Tribe/ Tribal Organization with compiling acceptable SOW for funding as requested and additional technical assistance in regard to their designated contracts.
- (8) Reviews contract progress reports and shall furnish their official recommendation for approval or disapproval to the Awarding Official within a reasonable timeframe.
- (9) Ensures that all accountable real and personal property purchased with contract funds or provided as Federal Government furnished property are accounted for, tagged, and inventoried annually, and ensures that laws, regulations, departmental and Bureau directives are followed in the excess and disposal processes.
- (10) Carries out those duties identified in writing by the Awarding Official with concurrence from the appropriate Approving Official.
- (11) The responsibilities as AOTR cannot be re-delegated during the appointee's absence. The appointee is not authorized to take any of the following actions:
  - (a) Enter into supplemental agreements.
  - (b) Suspend work or issue change orders (modifications).
  - (c) Grant extensions of time for any reason.
  - (d) Modify the terms and conditions or provisions of the contract.
  - (e) Commit the Federal Government (Awarding Official) in any manner.
  - (f) Terminate in whole or part the contractor's right to proceed with any part of the work covered by the contract.
  - (g) Make a final decision that is subject to appeal under the Contract Disputes Act.

**D. Budget Official.** The Budget Official shall be responsible for ensuring the validity of funding authority and the availability of funding to prevent deficiency as defined by the Anti-Deficiency Act, 31 U.S.C. Section 1341.

**2.2 Regional Review and Approval of Contract Proposals.** The Approving Official has 90 days after receipt of proposal to review and approve the proposal and award the contract or decline the proposal in compliance with Section 102 of the Act and 25 CFR Part 900, Subpart E. At any time during the review period, the Approving

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Official may approve the proposal and notify the Awarding Official to award the requested contract. Upon the approval, the Awarding Official shall award the contract and add to the contract the full amount of funds to which the contractor is entitled under Section 106(a) of the Act. A proposal that is not declined within 90 days (or within any agreed extension under 35 CFR 900.17) is deemed approved and the Awarding Official shall award the contract or any amendment or renewal and add to the contract the full amount of funds pursuant to Section 106(a) of the Act.

**2.3 Internal Controls.** The Approving Official and key officials designated pursuant to Section 2.1 shall ensure that:

**A. Documentation.** All transactions and other significant events are clearly documented and the documentation is readily available for examination.

**B. Recording of Transactions and Events.** All transactions and other significant events are promptly recorded and properly classified.

**C. Execution of Transactions and Events.** All transactions and other significant events are authorized and executed only by persons acting within the scope of their authority.

**D. Access to and Accountability for Resources.** Access to resources and records is limited to authorized individuals.

**2.4 Evaluation of Regional Performance.**

**A. Responsibility.** The BIA Director and Regional Director are responsible for reviewing the Region's performance and implementing any corrective action to ensure compliancy with the delegate authority.

(1) **BIA Director.** The BIA Director shall be responsible for conducting management reviews of Regional performance under the delegated authority and shall prepare a report outlining his findings and recommendations to the Regional Director. This review shall be conducted in accordance with the Eastern Regional Office specific implementation plan. Upon completion of the management review, the BIA Director shall prepare a summary report to the Director of Indian Services containing, at a minimum, a status of the delegation of authority.

(a) Such report shall include evaluation methodology, tribal input, successes and problems, as well as Regional Office recommendation for permanency of programs for further Bureau of Indian Affairs implementation.

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(b) The BIA Director or the designee of the BIA Director shall conduct an independent evaluation of the delegate Region.

(2) **Regional Director.** The Regional Director shall be responsible for preparing and implementing a corrective action plan to ensure correction of deficiencies identified in the administrative management review, if warranted.

**B. Factors.** The scope of the management review shall include, but not be limited to an evaluation of the following factors:

- (1) The application review and award process in compliance with 25 CFR Part 900.
- (2) A random sample of contracts and actions for proper budget certification and fund authority.
- (3) A random sample of personal property inventory for accountability.
- (4) Proper separation of duties, internal controls, and independence of decision making.
- (5) Compliance with the designated duties and responsibilities by key officials, including budget finance officials.
- (6) Compliance by the tribal organization with the terms and conditions of the contracts awarded.
- (7) Maintenance of contract files in accordance with 19 BIAM, Supplement 14 as well as 16 BIAM.
- (8) A review of the determination and findings of the Awarding Officials.
- (9) Any matter which may pertain to waste, fraud, or abuse; and/or conflicts of interest.
- (10) Existence of any inappropriate influence on the Approving Official and/or Awarding Official.
- (11) Compliance with other applicable special approval and clearance requirements.
- (12) Adequacy of training and staffing.
- (13) Response and follow-up to audit findings.

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(14) Workload of the Awarding Official.

(15) Tribal assessment of the Region's performance of the delegated authority.

**2.5 Technical Assistance.** The BIA Director shall be responsible for providing requested or recommended technical assistance to the Region.

**2.6 Service Benefits.** The Regional Director shall conduct an annual survey of services performed and benefits associated with the implementation of the delegated authority and report findings to the BIA Director in accordance with the Regional Office specific implementation plan.

**2.7 Effective Date.** This procedures manual shall be effective on the date signed by the Regional Director and the BIA Director. Its provisions shall remain in effect until it is amended, superseded, or revoked by the Regional Director and the BIA Director.

### **3. FINANCIAL BUSINESS MANAGEMENT SYSTEM (FBMS)**

**3.1** The Federal Finance System (FFS) has been replaced by Financial Budget Management System (FBMS) – DOI enterprise financial system has implement a new Financial Budget Management System in 2012.

FBMS includes the following components:

- Simplified Acquisition Procedure (SAP) (ECC or Core Financials) – An integrated Enterprise Resource Planning (ERP) System that supports financial, property and other business processes.
- Enterprise Management Information System (EMIS) – FBMS reporting environment with enhanced data analysis capabilities.
- Purchase Request Information System (PRISM) – A Contract Management System.

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The Indian Self-Determination involvement with FBMS is limited to the Financial Assistance (FA) system. The FA process follows the life cycle of a grant award, contract award, or cooperative agreement made through P.L. 93-638, 102-477, and 100-297, and is separated into four phases: Pre-Award, Award, Post-Award, and Close-out. Core activities of the FA business are performed in PRISM. In addition to PRISM, the purchase requisition process in the core financial system also supports the FA business process.

**638 Payments:**

Payments are processes in accordance with negotiated annual funding agreement payment schedule, and the new Automated Standard Application for Payments (ASAP) enrollment procedure. Recipients must register and use ASAP to request and receive funds electronically. Once IA approves and obligates an award, the process is as follows:

1. SAP interfaces with ASAP to establish funding.
2. The Certifying Official certifies funds in ASAP.
3. The recipient draws funds via ASAP.
4. Funds are electronically transferred to the recipient's bank account through ASAP.
5. ASAP interfaces to SAP to posts payments against the Purchase Request (PO) and reduces the obligation.

**Contract Support Fund Management:**

ERO shall continue to administer the Contract Support Cost funds (CSC) for the agencies and shall coordinate the collection of pertinent contract funding data necessary to formulate the region's CSC projections and shall ensure timely and equitable distribution of CSC to the agency.

**Certification of Fund Availability:**

Acquisition Funds Approver-Users holding the ACQ/FA Certifying Funds Approver role are responsible for approving FBMS requisitions, which includes fund certification for ISD Awards. The user has the ability to display, change, approve, or reject a request. The user's ability to make changes is limited to financial related information only (e.g., cost center, UPC, account assignment category). This role is assigned to users who have budget responsibility and knowledge of what is being spent in their cost center (s) and who review requisitions from a financial perspective to validate that the funding account information (account strings) is correct and that funding is available. Individuals assigned to the ACQ Supervisor role may also be assigned this role. This requisition approver is always the final approver of the PR, triggers the PR interface to PRISM, and their approval commits the funds unless the PR is marked Subject to Availability of

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Funds (SAF).

**Obligation of Funds:**

The Financial Assistance Agreements Officer/Awarding Official awards/releases the financial assistance action, updates the award screens and obligates the funds. Any employee mapped to the FA Agreements Officer role must have the authority to obligate funds on behalf of the Government. This role is primarily PRISM related but can view items in SAP.

**Separation of Duties (SOD):**

To ensure that no single individual has control over two or more phases of a transaction or operation, so that deliberate fraud is more difficult because it requires collusion of two or more individuals or parties. SOD Rule – a business rule that defines functions that should be separated between two or more individuals (for example Contracting Officer vs. Requisitioning). With the FBMS separation of duties is highly enforced by role mapping concept of identifying job functions that should be performed by different individuals, for example, creating vendor master records and issuing payments. The document type for all Financial Assistance (FA) awards is “Grant” in the Financial Assistance Management System (FBMS).

**Key Roles:**

- Regional Budget Officer notifies branches when programmatic or Tribal Priority Allocation funding becomes available in FBMS. Completes any necessary transfers of Tribal Priority Allocation funds. Appoints an alternate in the event the Regional Budget Officer will be out of the office for an extended period.
- Branch Managers ensure that funds made available to Tribes are committed through the Purchase Requisition system in FBMS that is maintained at the Regional level.
- The Purchase Requisitioners ensure that Tribal Allocation Priority Funds or programmatic funds are given priority in their workload and input into SAP.
- The Grant Specialist creates the award and enters Federal Assistance Award Data System (FAADS) information into PRISM. The Agreements Officer approves and releases the award, which creates the obligation in the core financial system. Awarding Officials (Grant Specialists) will go from a manual processing of a Standard Form (SF)-30 or SF-26 to execute a modification to an automated process in PRISM.



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- The FA Agreements Officer/Awarding Official reviews the FAADS report entered by Grants Specialist for the award prior to releasing the award in PRISM. Some of the fields are pre-populated based on the information entered in PRISM.
- FA Grants Specialist reviews the application, enters the award information / attachments / supporting documents, and routes the award to the FA Agreements Officer, who reviews the award and FAADS report information
- FA Agreements Officer/Awarding Official releases the award in PRISM. When an award is created and released in PRISM, a Purchase Order is created in the core financial system, SAP, via the IF027 Interface, which obligates the funds.
- ACQ Certifying Funds Approver – Program Managers are delegated as the ACQ Certifying Funds Approver role and are responsible for approving FBMS requisitions.