



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
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WASHINGTON, D.C. 20314-1000

CECW-P (2020-07)

3 September 2020

DIRECTOR'S POLICY MEMORANDUM FY2020

SUBJECT: Continuing Authorities Program (CAP), Feasibility Phase Process Changes

1. References.

a. Engineer Pamphlet (EP) 1105-2-58, Continuing Authorities Program [https://www.publications.usace.army.mil/Portals/76/EP\\_1105-2-58.pdf?ver=2019-04-30-105428-920](https://www.publications.usace.army.mil/Portals/76/EP_1105-2-58.pdf?ver=2019-04-30-105428-920).

b. CECG Memorandum dated 24 August 2020, Subject: Continuing Authorities Program (CAP): Approval Level for Section 14, Section 103, Section 107, Section 204, Section 205, Section 206, and Section 1135 Decision Documents [https://planning.ercd.dren.mil/toolbox/library/MemosandLetters/CAPDelegation\\_DecisionDocumentApproval\\_24August2020.pdf](https://planning.ercd.dren.mil/toolbox/library/MemosandLetters/CAPDelegation_DecisionDocumentApproval_24August2020.pdf).

c. CECW-P Memorandum dated 19 May 2016, Subject: Model Feasibility Cost-Sharing Agreements (FCSAs) for Cost-Shared Feasibility Studies for Continuing Authorities Program Projects <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/1238/filename/1245.pdf>.

2. Purpose.

a. The purpose of this Director's Policy Memorandum (DPM) is to provide guidance on revised internal processes for the CAP and to describe the roles and responsibilities of the Major Subordinate Commands (MSCs) and districts in conducting the processes. This DPM addresses the execution of the FCSA, the approval of the project review plan, changes to the two required CAP study milestones, and the certification of cost estimates.

b. Further, this DPM provides a framework for the development of program assessment tools and a process for certifying district capability to perform the delegations, if warranted, provided for in Reference 1.b.

3. Applicability. Project implementation processes, policies, and guidance in this DPM apply to all CAP projects. The annual Civil Works (CW) Program Execution Circular, Engineer Circular (EC) 11-2-221 or its successor, contains guidance on how current fiscal year funding will be issued and metrics for measuring annual execution performance.

4. Background. This DPM updates various CAP internal processes in order to effectively and

efficiently implement recent delegations from Assistant Secretary for Civil Works (ASA(CW)) and the Headquarters, U.S. Army Corps of Engineers (HQUSACE). Additionally, this DPM describes the roles and responsibilities of the Major Subordinate Commands (MSCs) and districts for those delegations. Lastly, this DPM provides a framework for the certification process and for the audit requirements to ensure efficient and effective application of all the delegations provided in this DPM.

5. Records Management (Recordkeeping) Requirements. The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army's Records Retention Schedule—Army (RRS-A). Detailed information for all related record numbers are located in the Army Records Information Management System (ARIMS)/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS-A, see Department of the Army Pamphlet 25-403, Guide to Recordkeeping in the Army.
6. Feasibility Cost Sharing Agreements.
  - a. Reference 1.c delegated to the MSC Commander the responsibility for review and approval of a FCSA for a CAP project that does not deviate from the approved model, along with the ability to further delegate the responsibilities to the District Commander. MSC Commanders are encouraged to make such delegations consistent with the requirements of Reference 1.c.
  - b. In accordance with the annual CW Program Execution Circular, no FCSA will be executed for CAP projects without the prior authorization of HQUSACE CAP Program Manager. Approval of an agreement and authorization to execute an agreement are two separate actions.
7. Review Plans. Per Reference 1.a, a Review Plan is required for each CAP project. MSCs may delegate the approval of project-specific CAP Review Plans to the District Commander. MSCs may also delegate the role of Review Management Organization (RMO) to the district in instances where the District Commander approves the Review Plan. If an Independent External Peer Review is required, the MSC will approve the Review Plan.
  - a. Reference 1.a encourages MSCs to adopt programmatic model Review Plans. The MSCs can require use of the MSC programmatic model Review Plan as a basis for delegating Review Plan approval to the District Commander.
  - b. On CAP projects where the life safety risk is significant as determined by the District Chief of Engineering, a Safety Assurance Review (SAR) is still required. The MSC will approve the Review Plan, and the Risk Management Center will be the RMO.

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8. Required Planning Milestones. Reference 1.a describes two planning milestones—the Federal Interest Determination (FID) and the MSC Decision Meeting (MDM)—which are required to ensure that continuing work on the feasibility phase is consistent with the policies, principles, priorities, procedures, and constraints of CAP. This prevents excessive expenditures on questionable projects. The MSC Commander may establish additional milestones as deemed necessary for each study, and the District Commander may further establish additional milestones as deemed necessary for reports where the approval has been delegated to the District Commander.

a. FID. Reference 1.a prescribes the timing and requirements for the FID. Currently, the MSC Commander may delegate to the District Planning Chief authority to submit the FID to MSC and FID approval authority to the MSC Planning Chief. This DPM provides the MSC Commander the authority to delegate the FID approval authority to the District Planning Chief. Such a delegation, if allowed, will be documented in the MSC Quality Assurance Plan and the District Quality Control Plan.

b. Tentatively Selected Plan (TSP) milestone.

(1) This DPM renames the MDM as the TSP milestone and allows the MSC Commander to delegate milestone decision making to the District Planning Chief. The timing and purpose for the meeting does not change. Per Reference 1.a, the TSP milestone will take place after the alternative plans have been formulated and prior to the release of the draft decision document for public review.

(2) The purpose of the TSP milestone is to ensure that plans have been properly formulated, legal and policy issues have been identified, a consensus on resolution has been reached, and the milestone decision maker concurs with the TSP that will likely proceed into the design and implementation phase. If any policy waiver is needed, then MSC approval of the TSP milestone is required and per reference 1.b. the decision document approval is retained by the ASA (CW).

9. Certification of the Feasibility Cost Estimate. Reference 1.a requires the USACE Cost Engineering Center of Expertise (Cost CX) to review and certify CAP project costs and allows the Cost CX to delegate the final cost certification at its discretion. This DPM delegates the final cost certification and associated documentation for CAP projects to the cost engineering reviewer assigned to the Agency Technical Review (ATR) team. The RMO is required to coordinate with the Cost CX for ATR review assignments and ATR of cost products. Districts may still utilize the Cost CX to review and certify CAP project cost estimates at their discretion.

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10. Development of Program Assessment Tools.

a. Per the CW Program Execution Circular, CAP data in the CAP Database are used to prioritize projects, select projects for funding, determine funding amounts, and report National Program Level summaries and statistics to support/defend CAP Value to the Nation. Per this DPM, execution performance is one factor that can be used to determine whether milestone decision making and report approvals are delegated for specific projects, authorities, districts, or MSCs.

b. MSCs will ensure that districts update data in the CAP Database by the 10th day of the month preceding the next quarter. Enclosed is a framework for developing enterprise-wide program assessment tools that will synchronize with the quarterly data updates.

11. Certifying District Capability to Perform Delegated Milestone Decision Making and Report Approval.

a. Delegations from the MSC Commander to District Commanders are contingent upon District Commanders demonstrating that the district has adequate resources, qualified planning and engineering staffing, applicable written procedures, and documented adherence to those procedures. This capability is subject to periodic assessment and the authority delegated to the District Commander or district staff can be rescinded at any time at the discretion of the MSC Commander.

b. Enclosed is a framework for developing an enterprise-wide approach to certifying district capability to perform delegated responsibilities.

12. Proponent. The point of contact for this memorandum is listed in Enclosure 1.

FOR THE COMMANDER

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1. Proponent name and contact information
2. Framework for Developing Enterprise-Wide Program Assessment Tools
3. Framework for Developing an Enterprise-Wide Approach to Certifying District Capability to Perform Delegated Responsibilities

ALVIN B. LEE  
Director of Civil Works

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Enclosure 1

Proponent Name and Contact Information

1. Proponent Name and Contact Information. The HQUSACE point of contact for this memorandum is the HQUSACE CAP Program Manager, CECW-IP, Joseph H. Mose, 202-761-4825.

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Enclosure 2

Framework for Developing Enterprise-Wide Program Assessment Tools

1. In accordance with the CW Program Execution Circular, a process currently exists for ensuring that data related to CAP execution is updated quarterly. The HQUSACE CAP Manager utilizes the data in the CAP Database to manage the nationwide allotment of CAP funds.
2. When decision documents are completed, districts will post the approved decision documents, in addition to the MSC Commander or District Commander approval memoranda, so that they are publicly available. MSCs will validate the findings of district-approved decision documents prior to the release of funding for the next phase of project delivery to ensure compliance with established procedures and policies.
3. The MSCs will use the quarterly data updates as an opportunity to assess the execution of a district's program, provide resources to maintain or improve execution, and take corrective actions as needed. They will also use these opportunities to assess district capability to execute delegated milestone decision making and report approval authorities.
4. The procedures and schedule for the program assessments will be developed through collaboration among the MSCs and the HQUSACE CAP Manager, and an approach will be selected that allows for consistent reporting of data and statistics to support knowledge management and to inform enterprise-wide lessons learned and program improvement initiatives. A checklist will be drafted to assist with conducting the program assessments.
  - a. Program assessments will investigate and document process and procedural improvements that reduce the cost and time needed for project development and implementation.
  - b. The selected approach will be documented in the MSC Quality Assurance Plans.
  - c. A template will be developed to provide a consistent reporting of the program assessment results. The template will document successes and/or deficiencies. It will also evaluate the delegations provided to each district and discuss denied or withdrawn delegations.
  - d. Documentation from the MSC program assessments will be consolidated by the HQ CAP Program Manager, posted, and used to identify programmatic and project-specific procedural and policy improvements.

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5. Program assessments require a common understanding of a performance baseline upon which to identify effective processes and procedures and those that warrant modification, and to identify organizational factors that are driving execution and those that appear to hinder execution. MSCs will develop a program execution baseline based on performance data from Fiscal Year (FY) 2016 through FY 2020. Specific data requirements for the program execution baseline will be developed through collaboration among the MSCs and the HQUSACE CAP Manager. Along with the baseline data, the MSC will provide a project-specific root cause analysis that addresses milestone delays, fiscal year funding carry-out, and other metrics as identified by the MSC and the HQUSACE CAP Manager.



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Enclosure 3

Framework for Developing an Enterprise-Wide Approach to Certifying District Capability to Perform Delegated Responsibilities

1. **MSC Quality Assurance and Oversight.** At the regional level, the operational focus is on managing and executing the region's projects through the Regional Business Center (RBC) and ensuring that we are building the centers of expertise throughout the region and utilizing regional and national centers of expertise as needed. The purpose of the RBC is to operate most effectively (doing the right things) and efficiently (doing things right) by making the total resources of the region, and across USACE as a whole, available when needed.
2. The functions that must be accomplished by the RBC include supporting Quality Assurance assessments, facilitating Communities of Practice, supporting technology transfer, facilitating the development of a capable regional workforce, fostering and supporting a learning organizational culture, facilitating regional workload management, implementing regional technical centers; and facilitating a Regional Technical Specialist program. In delegating decision making for the CAP authorities, the MSC is sharing with a district both the responsibility and accountability for ensuring that the district operates most effectively and efficiently. The district must maintain fully functional planning and engineering staffs to fulfill the requirements under delegated authorities and the MSC must routinely ensure the district's capability in this regard.
3. **District Capability to Perform Delegated Responsibilities.** While there are multiple disciplines necessary for CAP execution, for the purposes of CAP delegated responsibilities, it can be assumed that a district is capable of performing delegated responsibilities if it includes a General Schedule(GS)-15 Planning Chief who is only responsible for planning; additional GS-14 staff positions in Plan Formulation, Economics, and Environmental areas; a GS-15 Engineering Chief who is only responsible for engineering; and appropriate GS-14 staff members who are qualified in water resources engineering (including risks to public safety) and civil works policy. For MSCs that employ a regional planning organization to perform its district planning responsibilities, both the regional planning organization and the district's engineering organization must meet the above criteria to assume capability. The MSC will also review the district support elements (Real Estate, NEPA/environmental, Office of Counsel, etc.) to ensure that there is experienced and competent staff necessary for CAP execution. The above conditions do not prohibit the MSC from making a different determination regarding an organization's capabilities.
4. MSCs will certify the district's capability at least triennially when one of the planning or engineering organizations is led by a GS-15 and the other is led by a GS-14. Capability will be certified at least biennially if both the planning and engineering organizations are led by GS-14s and annually if the planning or engineering organizations are led by a GS-13.

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5. To receive consideration for delegations described herein, a district should request the delegation in a formal letter from the District Commander to the MSC, unless the delegation has been previously issued in accordance with an earlier USACE Memorandum. MSCs shall certify district's capability of previous delegations in accordance with processes described herein. The request will include information demonstrating that the district has adequate resources, qualified planning and engineering staffing, applicable written procedures, and documented adherence to those procedures.

6. The MSC is responsible for determining if a district is capable of successfully executing the process or decision-making authority for the requested delegation. The determination will be documented in a memorandum from the MSC Commander or the MSC Regional Programs Director. A denial of a delegation will include the identified deficiencies in the district's request and actions required by the district to better support potential future delegations. MSCs will provide a copy of the delegation memoranda to the HQ CAP Program Manager.