DIRECTOR'S POLICY MEMORANDUM 2019-01
POLICY & LEGAL COMPLIANCE REVIEW

PCoP WEBINAR SERIES

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of Engineers ®

TOPICS

➢ Purpose/Overview

➢ Key Provisions

➢ Key Benefits

➢ Challenges

➢ Implementation/Next Steps

➢ Questions?

PURPOSE OF DPM

➢ Establish procedures to ensure consistency in conduct of policy & legal compliance reviews (P&LCR) across USACE.

➢ In accordance with DPM 2018-05 –*Improving Efficiency and Effectiveness in U.S. Army Corps of Engineers (Corps) Civil Works Project Delivery (Planning Phase and Planning Activities).*

KEY PROVISIONS

Applicability - All specifically authorized planning studies supporting project authorization or budget decisions, or that require an action by the Chief of Engineers, the Secretary of the Army acting through the Assistant Secretary of the Army for Civil Works (ASA(CW)) or the Congress.

➤ Feasibility studies
➤ Post authorization change studies
➤ Disposition studies
➤ Reallocation studies
➤ Watershed studies
➤ Dredged material management studies

KEY PROVISIONS

Review Team Principles
- ➤ Provide advice and support to PDTs and decision makers at the District, MSC, HQ and ASA(CW) levels
- ➤ Ensuring vertical teaming aspect of SMART planning is maintained, even if none of the P&LCR team members are from HQ
- ➤ Help guide the PDTs through project development and completion of policy and legally compliant documents
- ➤ Provide impartial and unbiased recommendations, advice, and support to decision makers
- ➤ P&LCR teams work independently of and are uninfluenced by the District, MSC and HQ command structure
- ➤ Ensures policy application consistent across the nation

KEY PROVISIONS

Delegation of P&LCR

➢ P&LCRs delegated to the MSCs responsible for execution of the study
➢ Delegation applies regardless of milestone decision making or report approval authority.
➢ Single P&LCR team drawn from HQ, MSCs, PCXs.
➢ MSC Chiefs of Planning and Policy are responsible for establishing a competent interdisciplinary P&LCR team for each study
➢ MSCs to develop SOPs documenting the MSC approach to implementing this policy by 31 March 2019.

KEY PROVISIONS

P&LCR Team Identification

➢ MSC and HQ functional chiefs/leaders to collaborate to identify the P&LCR team representatives for their functional area.

➢ MSC functional lead may coordinate with other MSCs, PCXs or other review resources for assistance if needed.

➢ Specific number of MSC or HQ representatives on the P&LCR team not mandated

➢ If P&LCR team as no OWPR reviewers, an OWPR team lead will be assigned to serve as a Policy Advisor to the PDT.

➢ The P&LCR team should be identified prior to FCSA signing (or within 30 days of receipt of funds for studies that do not have a FCSA).

KEY PROVISIONS

Review Team Manager
- ➤ Identified and endorsed by MSC Chief of Planning and Policy and the Chief of OWPR
- ➤ Selected from members of the P&LCR team and may be an MSC, PCX, or HQ employee
- ➤ Serves the project through study completion, including the Administration's endorsement of a signed Chief's Report to the Congress

KEY PROVISIONS

Review Plan

➤ The MSC Chief of Planning and Policy will notify the District of the P&LCR team for the study so the roster can be identified in the Review Plan.
➤ Draft Review Plan should be completed/made available within 30 days following study initiation so as to inform the effort leading to the Alternatives Milestone

KEY PROVISIONS

Review Team Funding

➢ Reviewers funded from General Expense funds.

➢ Project funding can not be used to fund the P&LCR team.

Reviewer Database

➢ Established by MSC and HQ functional leaders, compiled into a centralized reviewer database, and continuously updated.

➢ Reviewers will generally be experts at the GS-13- GS-15 level.

➢ Included in the Project Monitor Review Management Tool (Project Monitor).

KEY PROVISIONS

Review Team Oversight

➢ The MSC Chief of Planning and Policy and/or the Chief of OWPR provide direction to the P&LCR team

➢ For milestones or feasibility reports where the approval level is the MSC, MSC Chief of Planning and Policy provides general oversight until the final report is submitted to HQ, after which the team will work under the general oversight of the Chief of OWPR.

➢ For milestones or feasibility reports where the approval level is HQ, the P&LCR team will work under the general oversight of the Chief of OWPR.

KEY PROVISIONS

DPM 2019-01 Does NOT Change:

➢ MSC Responsibilities for Quality Assurance
➢ Roles & Responsibilities of Review Managers and Review teams
➢ Roles & Responsibilities of HQ Regional Integration Teams
➢ Documentation Requirements for P&LCRs (PGMs, DORFs)
  ▪ MS Word format (No Dr. Checks)

KEY BENEFITS

➢ Eliminates redundancy and saves time/resources – single P&LCR for Draft/Final Reports.

➢ Draws upon experts throughout the Corps.

➢ Enhances organization capability to take on more simultaneous reviews.

➢ Policy reviewers within region of Planning Study = greater familiarity with studies and regional issues that may have policy and legal impacts to the study.

CHALLENGES

➢ Varying degrees of experience with P&LCR at MSC level.
➢ MSC workload – Capability to take on P&LCR reviews
➢ Review Team Independence
➢ Maintaining vertical communication
➢ MSC Review Manager role for reports after Final Report submittal
➢ Assuring consistency and quality of reviews.
➢ Responsibilities of HQ Functional Leads and coordination/communication with MSC counterparts.

LEARNING CHECK

1. Our new start GI study has received a 3x3 exemption. Therefore, the approval level for our report is now at the HQ level. Responsibility for P&LCR for our study now likewise reverts to HQ.

True or False

LEARNING CHECK

1. Our new start GI study has received a 3x3 exemption. Therefore, the approval level for our report is now at the HQ level. Responsibility for P&LCR for our study now likewise reverts to HQ.

True or False

False: Responsibility for P&LCR is delegated to the MSCs regardless of the approval level of the report or the milestone.

LEARNING CHECK

2. Our Final Feasibility Report has just been submitted to HQUSACE. Our study is 3x3 compliant and therefore responsibility for both final report approval and P&LCR is delegated to the MSC. Hence, oversight for the P&LCR Team for final report processing resides with the MSC Chief of Planning & Policy.

True or False

LEARNING CHECK

2. Our Final Feasibility Report has just been submitted to HQUSACE. Our study is 3x3 compliant and therefore responsibility for both final report approval and P&LCR is delegated to the MSC. Hence, oversight for the P&LCR Team for final report processing resides with the MSC Chief of Planning & Policy.

True or False

FALSE - Even for studies for which the MSC retains Final Report approval authority, once the Final IFR is submitted to HQ, oversight of the P&LCR Team transfers to the Chief of OWPR.

LEARNING CHECK

3. There will be an OWPR staff member assigned to all studies covered under this DPM.

True or False

LEARNING CHECK

3. There will be an OWPR staff member assigned to all studies covered under this DPM.

True or False

TRUE. However, it is possible that none of the reviewers will be from OWPR. But in those instances, a Policy Advisor will be assigned to the study from OWPR.

LEARNING CHECK

4. The draft Review Plan identifying all of the P&LCR team members should be completed and made available within 90 days from study execution.

True or False

LEARNING CHECK

4. The draft Review Plan identifying all of the P&LCR team members should be completed and made available within 90 days from study execution.

True or False

FALSE - The DPM specifies that the draft RP should be completed and made available within 30 days from study initiation (even though the Review EC 1165-2-217 specifies that the initial RP does not need to be developed until 90 days from FCSA execution)

IMPLEMENTATION & NEXT STEPS

➢ Already being implemented now!

➢ MSCs develop SOPs on the MSC approach to implementation

➢ HQ OWPR provides further clarification/direction/tools to the field

➢ HQ monitors/tracks/supports execution

➢ Additional Reference – P&LCR Webinar Held Nov 2018 for Reviewers

https://planning.erdc.dren.mil/toolbox/resources.cfm?Id=0&WId=455&Option=Planning%20Webinars

  ▪ Includes more detailed discussion:
    ✓ Review Manager roles and responsibilities
    ✓ Common Review Issues & Lessons Learned
    ✓ Review Documentation
    ✓ Project Monitor Tool

Questions?

Type questions in the chat box.
We will answer as many
as time allows.

This webinar will be posted to the
Planning Community Toolbox:
http://www.corpsplanning.us

US Army Corps
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