

CONTINUING AUTHORITIES PROGRAM UPDATES

29 SEPTEMBER 2020



US Army Corps
of Engineers®



WEBINAR OBJECTIVES



- Provide an update on the recent changes to the Continuing Authorities Program
- Review why these changes are significant and how the changes will benefit our agency and most importantly our partners





USACE is taking **bold actions** to
improve its performance and
engineer solutions for the **nation's**
toughest challenges through





Traditional delivery of the Civil Works program is being overhauled through:

- Innovative tools
- Modernizing internal processes
- Pursuing alternative financing approaches
- Improving partnerships



Modernizing internal processes is part of **Objective 1 of the Revolutionize USACE Civil Works initiative:**



USACE staff
(from all levels)
assisted





ASA CW / USACEHQ SETTING CONDITIONS



Mr. Rickey Dale "R.D." James
Assistant Secretary to the Army
(Civil Works)

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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SACW

20 May 2020

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

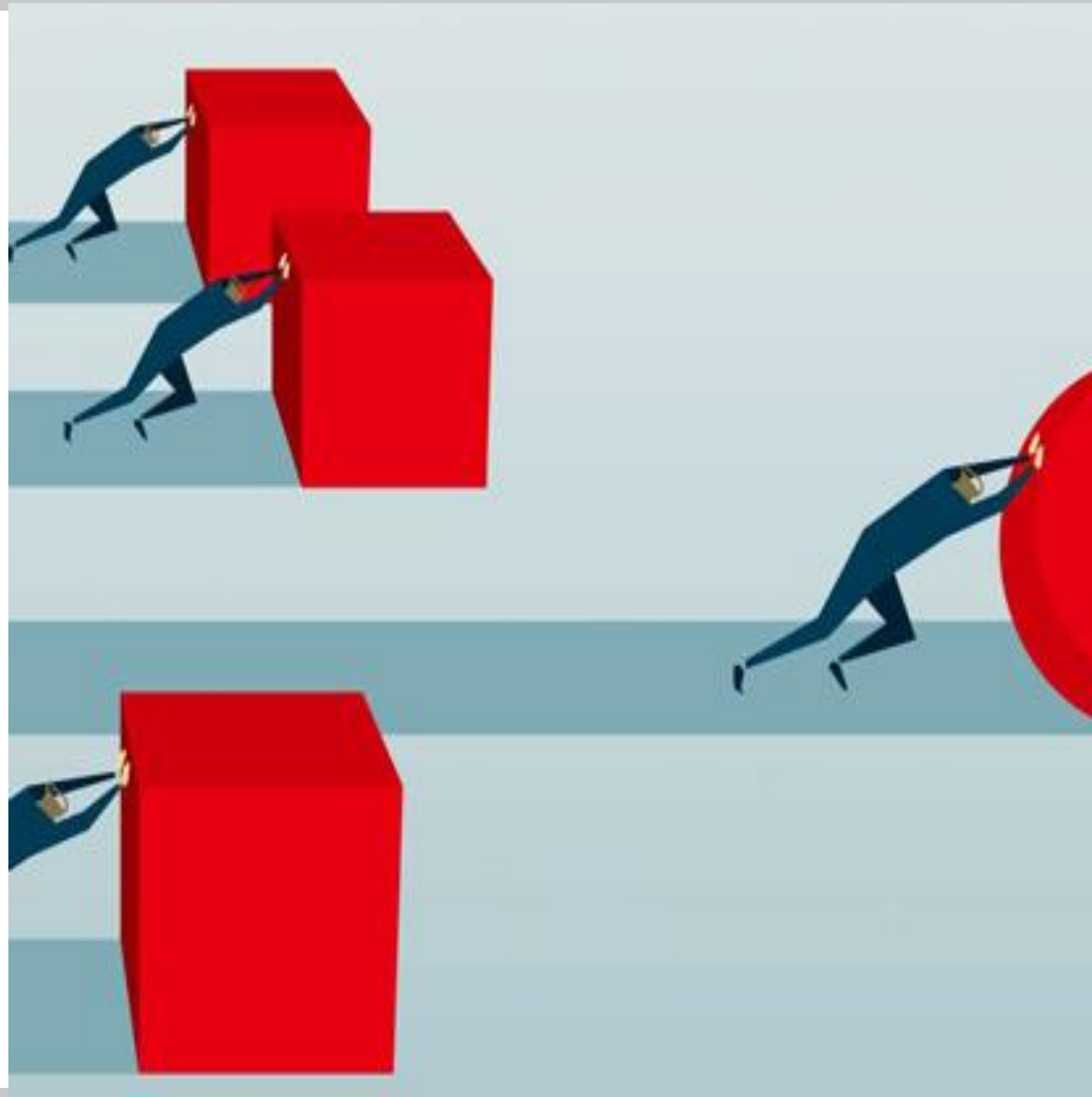
SUBJECT: Delegation of Authority - Approval Levels for Section 103 Decision Documents

- References:
 - ER 1105-2-100, Planning Guidance Notebook.
 - EP 1105-2-58, Continuing Authorities Program.
- The Continuing Authorities Program (CAP) consists of a group of nine legislative authorities under which the Secretary of the Army plans, designs, and implements certain types of water resources projects without additional project specific congressional authorizations. Because they are limited in size, cost, scope and complexity, CAP projects should be completed in an accelerated manner as compared to specifically authorized projects. The actions I am instituting today are intended to improve the efficiency and effectiveness of the CAP by allowing for further delegation of authority to approve decision documents to the most appropriate level within the Army, reducing review and process time, thereby enabling more timely decisions.
- Section 103 of the 1962 River and Harbor Act authorizes the Corps of Engineers to study, design, and construct small coastal storm damage reduction projects in partnership with non-Federal government agencies. Currently, Headquarters, U.S. Army Corps of Engineers (HQUSACE) has authority to approve decision documents for projects pursued under the authority of Section 103 of the Rivers and Harbors Act of 1962, with no policy deviations. Headquarters has further delegated approval to the Major Subordinate Commands. To realize anticipated benefits, I hereby authorize and encourage you to consider further delegation of this approval authority down to a level no lower than the District Commander; however, consistent with paragraph 14(f) of EP 1105-2-58, I retain the authority to approve Section 103 decision documents involving a deviation from policy.
- As with any delegation of authority, you remain responsible for actions taken consistent with these approval authorities. If you elect to delegate your authority consistent with this memorandum, you may further restrict or condition the delegate's exercise of authority. Should conditions warrant, you might suspend the use of or rescind further delegation of the authority, as is appropriate in your judgment. These delegations must be implemented appropriately, and you are directed to develop procedures to validate the qualifications of planning, engineering, legal and other



WHY REVOLUTIONIZE CAP

- Accelerate delivery and increase benefits to the Nation
- Energize Project Delivery Teams
- Decisions delegated down to the appropriate levels where the work is being accomplished





CAP IMPROVEMENTS



1. Convene a CAP Workshop
2. Delegate Approval of Decision Documents to District Level
3. Delegation of Locally Preferred Plan Selection
4. Cost in Excess of Federal Project Limit
5. Use TSP Milestone in lieu of MSC Decision Milestone
6. FCSA Review and Approval
7. Allow ATR Cost Reviewer to Certify Feasibility Study Cost
8. FID Review and Approval
9. Review Plan Review and Approval
10. Certification of Capability, Audit, and Reporting



CAP IMPROVEMENTS

"The CAP allows us to Aggressively Execute our Mission to Deliver the Program!" These delegations allow us to Execute CAP more quickly and effectively, demonstrating that USACE is a "World-Class Organization", LTG Semonite, 21 Aug 20 SemoNOTE #28

KEY POINTS

- ❖ Changes approved through 4 separate Director's Policy Memos
[https://planning.erdc.dren.mil/toolbox/processes.cfm?Id=229&Option=Continuing%20Authorities%20Program%20\(CAP\)](https://planning.erdc.dren.mil/toolbox/processes.cfm?Id=229&Option=Continuing%20Authorities%20Program%20(CAP)).
- ❖ Delegations and process changes are opportunities to be more **effective and efficient** in the execution of the Program.
- ❖ CAP Delegation application is only to Feasibility Phase of CAP.
- ❖ MSC and HQ maintain funding and programming responsibilities for CAP.
- ❖ MSCs maintain quality assurance responsibility regardless of approved delegation.



CONVENE A CAP WORKSHOP



- ❖ Take a deeper dive into the process changes
- ❖ Seek additional input from MSCs/Districts
- ❖ Brainstorm and discuss additional improvements
- ❖ Educate and Inform each other about CAP
best business practices and lessons learned
- ❖ On hold as a result of COVID, but looking into virtual option





DELEGATIONS FROM HEADQUARTERS TO MSC



Locally Preferred Plan: Delegate approval authority for any Locally Preferred Plan (LPP) from the ASA(CW) to the MSC Commander.

Cost in Excess: Waiver for Policy Deviation during planning process when estimated cost appears to be in excess of Federal project limit, delegate approval of waiver from ASA(CW) to HQ USACE and/or MSC Commander.

*Another Great
"Win" for Revolution
USACE Civil Works and
"Powering Down" Approval levels -
Keep up the Revolution!!*

Todd T. Semonite
TODD T. SEMONITE
Lieutenant General, USA
Commanding




DELEGATIONS FROM MSC TO DISTRICT



Decision Documents: Delegate approval of CAP 14, 103, 107, 204, 205, 206, and 1135 Decision Documents from MSC to District Commander.

Detail: Delegation of CAP Decision Document approval from MSC Commander down to District Commander to expedite the execution of the program.

CONTINUED EFFORTS
BY NSA (CW) AND
USACE (CW) TO "REVOLUTIONIZE"
OUR DELIVERY OF THE
CAP PROGRAM. GREAT
DELEGATIONS - LET'S BE
AND NOT ABUSE THIS
AUTHORITY!


TODD T. SEMONITE
Lieutenant General, USA
Commanding



DELEGATIONS FROM MSC TO DISTRICT (CONTINUED)



Federal Interest Determination (FID): Delegate FID approval process to the District Planning Chief and allow for MSC CAP Manager quality control.

Feasibility Cost Share Agreements (FCSAs): Allow districts to review, approve, and execute FCSAs that do not deviate from the approved model without quality assurance review by the MSC.

Review Plans: Delegate review plan approval to District Commander. Review Management Organization role is approved to be delegated to the District as well.

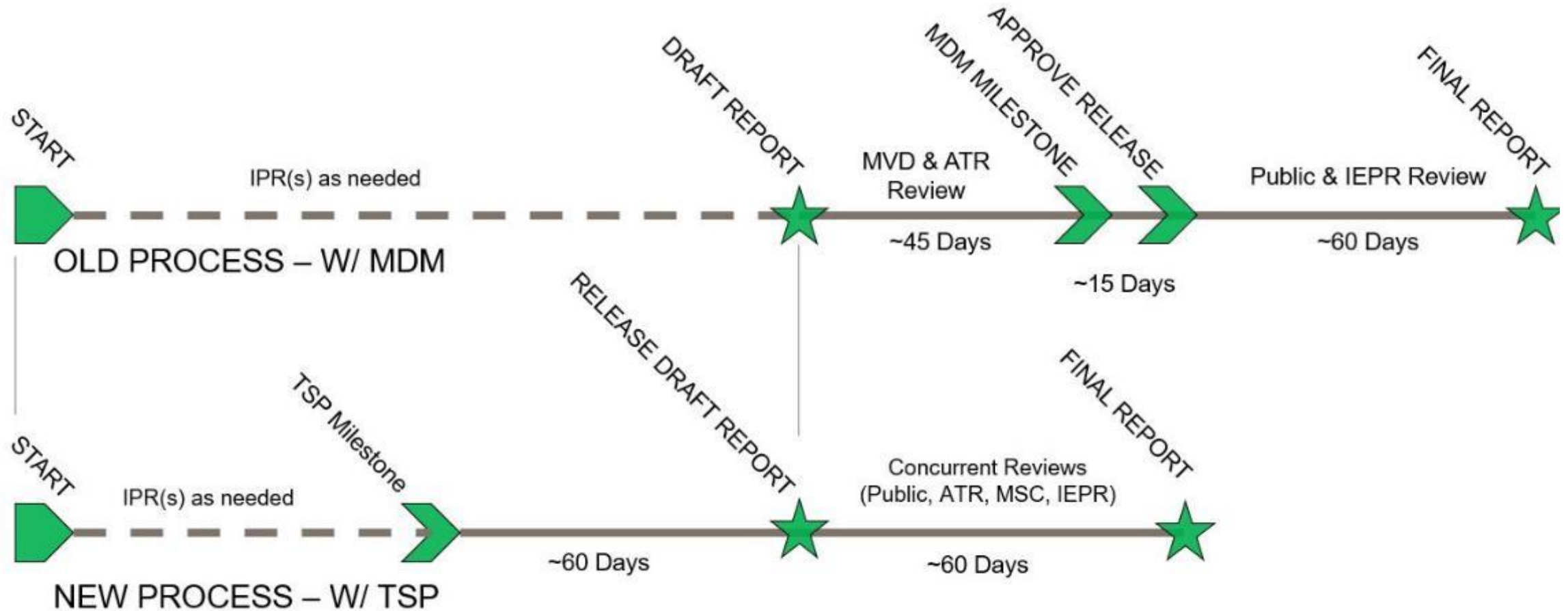
Cost Certification: Delegate final cost certification of the Certified Agency Technical Review Cost Reviewer.



POLICY CHANGES



- MDM is now **TSP**: Use the TSP Milestone in lieu of MSC Decision Meeting.
- Incorporation of SMART Planning principles in CAP can help us achieve better execution.





CERTIFICATION OF CAPABILITY



Key Points

- ❖ Districts must request delegation from MSC
- ❖ MSC will certify capability and approve or deny delegation
- ❖ If denied MSC must provide a plan for improvement
- ❖ MSC will provide denial and approval status to HQ

Capability Certification: Delegations from the MSC Commander to District Commanders is contingent upon District Commanders demonstrating that the district has:

- 1) Adequate resources
- 2) Qualified planning and engineering staff
- 3) Applicable written procedures
- 4) Documented adherence to those procedures

Capability is subject to periodic assessment and the delegated authority can be rescinded at any time by the MSC Commander.



CERTIFICATION OF CAPABILITY (CONTINUED)



MSCs will certify the district's capability at the following frequency:

- Every 3 years if one of the planning or engineering organizations is led by a GS-15 and the other is led by a GS-14.
- Every 2 years if both the planning and engineering organizations are led by GS-14s.
- Every year if the planning or engineering organizations are led by a GS-13.
- Delegations can be received regardless of individual district's organizational structure.

SAMPLE CERTIFICATION REQUIREMENTS

The district certification of capability should consist of, at a minimum, the following information:

- a. List of requested delegation(s) and what district studies are active or planned/upcoming for these requested delegations.
- b. Provide a narrative describing the district's CAP experience including but not limited to work experience, document preparation, study scope development, review support, tools/skills, and implementation.
- c. Provide at least four studies and expand on those studies the last year of work, milestones achieved, review products, and how the district managed resolution of vertical team review comments.
- d. Describe knowledge of policy and planning (i.e., study issues, processes, vertical chain coordination, review, regulations, etc.).
- e. Provide a P2 schedule highlighting milestone dates of any active or planned studies.
- f. List any pertinent education and training (i.e., core curriculum, prospect, planning assistant, etc.).
- g. Provide any certifications (i.e., agency technical reviewer, water resource planner, professional certifications, etc.)



PROGRAM ASSESSMENT AND AUDITING



Auditing: The procedures and schedule for the program assessments will be developed through collaboration among the MSCs and the HQUSACE CAP Manager.

Program assessment will:

- Assess quality of delegated documents
- Analyze cost and time savings of procedures
- Evaluate successes and deficiencies
- Document delegations provided and denied delegations





QUESTIONS?

