



MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: IRIS B. COOPER,
SENIOR PROCUREMENT EXECUTIVE,
OFFICE OF THE PROCUREMENT EXECUTIVE

SUBJECT: Electronic commerce requirements.

1. Purpose: This Acquisition Procedures Update (APU) is issued to amend the Department of Treasury Acquisition Procedure (DTAP) September 2015 edition version 2.0 for the purposes of providing requirements surrounding the use of electronic commerce in contracting.

2. Effective Date: January 4, 2016

3. Expiration Date: Until otherwise canceled, superseded or included within a future edition of the DTAP.

4. Background: The current edition of the DTAP does not provide any type of guidance regarding the use of electronic commerce in contracting. Nonetheless, Bureaus are using this capability. Therefore, the purpose of this APU is to establish baseline requirements. Overall, the SPE has determined that the issuance of this amendment to the DTAP is necessary.

5. Department of the Treasury Acquisition Procedures: The DTAP is amended as follows:

A. Add 1004.5 as follows:

SUBPART 4.5-ELECTRONIC COMMERCE IN CONTRACTING

1004.502 Policy.

(d) Treasury authorizes the use of electronic signatures, including digital signatures (see, *Treasury Enterprise Identity Credential and Access Management – Digital Signature Guidelines, Version 1.2 (third draft release, September 2013)* and [Treasury Directive 87-05, Electronic Commerce Initiatives](#)). The terms “electronic signature” and “digital signature” are often mistakenly used interchangeably. “Electronic signatures” represent a broad category that consists of many proprietary or *ad-hoc* types, such as a symbol, a click, a voiceprint, or typed notations such as /s/ Jane Doe, provided they are expressed within an electronic medium. On the other hand, “digital signatures” are a subcategory of electronic signatures, supported by cryptographic standards to provide greater security features. Unlike electronic signatures, digital signatures are easily transportable as signatures created by users within a software application (e.g., Microsoft Word, Adobe Acrobat) that can be validated by using those same software applications. Bureaus are therefore encouraged to allow contracting personnel the ability to use digital signatures as part of the contracting process, including on award documents, modifications, justifications, determinations, acquisition plans, as well as those documents that are created to accompany such documents internally (such as cover and routing sheets and any

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other document indicating concurrence or approval) and externally. Bureaus that provide the use of digital signature shall establish procedures so that whenever a digital signature is used it has the full force and effect as a handwritten signature.

B. 1004.604(a) is amended to read as follows:

FROM: (a)(1) BCPOs are responsible for ensuring timely entry and maintenance of overall quality of data in the FPDS. BCPOs are responsible for ensuring all actions are reported to FPDS pursuant to [FAR 4.604\(b\)](#).

(2) BCPOs shall designate a system administrator and notify OPE in writing of the designation. Bureau system administrators are responsible for training Bureau personnel in preparation of upcoming system updates/changes, registering new users, and ensuring the validity of the information that is entered into FPDS.

TO: (a)(1) BCPOs are responsible for—

(i) Developing and monitoring a process to ensure timely and accurate reporting of their Bureau respective contract actions to FPDS. This process shall also ensure the quality of data and information reported to FPDS (e.g. COs provide a clear description of the requirement within the description field);

(ii) Ensuring all actions are reported to FPDS pursuant to [FAR 4.604\(b\)](#); and

(iii) Designating a system administrator and notifying OPE in writing of the designation. Bureau system administrators are responsible for training Bureau personnel in preparation of upcoming system updates/changes, registering new users, ensuring the validity of the information that is entered into FPDS and other related tasking.

(2) Bureaus should seek where possible to make the process for reporting contract actions to FPDS seamless by establishing connectivity to its contract writing system, thereby avoiding duplicative data entry and improving FPDS data accuracy.

(3) In lieu of including the actual physical paper copy of the electronically submitted contract action report (CAR) in the file, a CO may per Bureau procedures reference the CAR approval date on the contract file checklist or, if the Bureau has integrated FPDS data entry into its contract writing system, make reference to the contract writing system in the associated contract file. Either of these actions satisfies contract file documentation requirements of [FAR 4.803\(a\)](#).

C. 1004.802 is amended to add the following:

1004.802-70 Electronic contract files.

Bureaus may maintain files in electronic media provided all documentation is maintained as required by [FAR subpart 4.8](#). Electronic files dispersed in multiple locations, or maintained with no naming convention or filing structure, do not constitute adequate electronic records.

(a) Bureau shall establish a naming convention and electronic filing structure to ensure proper naming of and filing of contractual documents that are uploaded into an electronic contract filing system.

(b) Documents uploaded to the electronic contract filing system are a part of the contract file (see [FAR subpart 4.8](#)). Bureaus shall ensure the electronic contract filing system provides, at a minimum, safeguards for accessing the system; safeguards for accessing information that is

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deemed too sensitive for widespread distribution (e.g., personally identifiable information), as well as provides for procedures on handling attachments that cannot be practicably converted to electronic format (e.g., samples, drawings, and models).

(c) Bureaus are responsible, at a minimum, for ensuring the following—

(1) The timely distribution of documents;

(2) That internal controls are in place to ensure that—

(i) The electronic version of a document in the electronic contract filing system is an accurate representation of the document;

(ii) The contract data in the electronic contract filing system is an accurate representation of the underlying contract;

(iii) The deletion or modification of a document or data is restricted to only those circumstances when it is determined necessary. In addition, when deletions or modifications occur an electronic record is kept that identifies information such as date and time when the document was deleted or modified and the individual who deleted or modified the document; and

(iv) The naming and filing structure is adhered to.

(3) That there is a capability to search for and download documents maintained in the electronic contract filing system;

(4) That procedures, inclusive of file checklists, reflect what documentation is maintained in a paper copy (e.g. oversized or voluminous documents that cannot be scanned into the electronic contract file system) and what is maintained in the electronic contract filing system or other system (e.g. FPDS for a copy of the CAR); and

(5) That documents, particularly those that contain handwritten signatures, needing to be scanned into the electronic contract filing system are legible and complete.

6. Required Bureau Actions: Bureau Chief Procurement Officers shall—

a. Ensure dissemination of this APU to all impacted personnel; and

b. Update any related Bureau policies and procedures impacted by this APU.

7. Additional Information: The point of contact for this APU is Mr. Thomas O’Linn, who can be reached at thomas.olinn@treasury.gov or OfficeoftheProcurementExecutive@treasury.gov.