



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-ZB (2019-02)

24 January 2019

DIRECTOR'S POLICY MEMORANDUM FY2019

SUBJECT: Employing MSC and District Technical Expertise and Professional Judgment to empower enhanced delivery of the 2018 Emergency Supplemental Program

1. References.

- a. LTG Semonite's Memorandum to all USACE Leaders subject: Commander Intent "Achieve Our Vision", dated 8 May 2018.
- b. Bipartisan Budget Act of 2018 (Public Law 115-123), Division B – Supplemental Appropriations for Disaster Relief Requirements.
- c. Video Message from the Honorable R.D. James, Assistant Secretary of the Army (Civil Works), <https://youtu.be/HBUZl0xGw1M>.
- d. DPM CW 2018-09, Principles of Delivery for the 2018 Emergency Supplemental.

2. Purpose. The purpose of this Director's Policy Memorandum is to empower our highly trained and experienced MSC/District teams to use their Technical Expertise and Professional Judgment to make and document authoritative decisions regarding USACE policy and guidance which will enhance delivery of the 2018 Emergency Supplemental within the spirit and intent of USACE policy and guidance.

3. Applicability. This Director's Policy Memorandum applies to all Civil Works Programs, Project Management, Engineering, Construction, Operations (excluding Regulatory) and Planning activities related to the Emergency Supplemental projects and studies to be executed by USACE. The list of projects and studies cleared by the Administration on 5 July 2018 is available at <http://www.usace.army.mil/Missions/Civil-Works/Budget/> under "Supplemental Appropriations for Disasters 2018."

4. Policy. Emergency Supplemental Funds appropriated in Public Law 115-123 are designated by the Congress for emergency requirements. USACE will take every prudent opportunity to aggressively delivery quality projects as part of the Emergency Supplemental.

Every echelon within USACE and every USACE team member will work to **Drive Aggressive Civil Works Project Delivery**; to "turn dirt" and complete high quality

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projects quickly while sustaining our high technical and legal standards, and at the same time delivering project benefits in an expeditious manner.

In order to optimize our ability to enhance project delivery and to fully utilize the Delivery Principles defined in DPM 2019-09, I am empowering the MSCs Commanders and Senior Executive Service Member(s) in collaboration with the Divisions' appropriate functional chief to approve project specific exceptions to USACE Programs, Project Management, Engineering, Construction, Operations (Excluding Regulatory) and Planning policy and guidance. This authority is restricted to projects included in the 2018 Emergency Supplemental and is based on support for the delegation of Authority by the HQUSACE functional leads, who have HQUSACE jurisdictional discretion, see Appendix (C).

I am also highly encouraging the MSC's to consider empowering our Districts teams by further delegating this approval authority to the District Leadership Teams.

Exceptions to Corps Policy/Guidance **must not**:

- violate existing law(s)
- eliminate or alter procedures that are based on an "official rule making"
- violate policy, delegation or guidance from Higher Authority outside the Corps, such as ASA(CW), DA, DOD, and OMB etc.
- reduce the quality and performance of the project over its authorized lifetime
- materially increase the Probability or Severity of a Loss of Life

Once a determination is made that a potential exception to USACE Policy/Guidance does not violate the above restrictions, the MSC Commander/SES Member and the MSC Functional Chief or the delegated District Commander, Deputy for Project Management and the District Functional Chief) may **approve a project specific exception to USACE Policy/Guidance** provided they have conducted an appropriate and sufficiently detailed assessment of that particular exception. The revised process, after the exception is approved, should still meet the intent and spirit of the relevant USACE guidance and policy.

5. Guidance for Implementation.

MSC's Implementation Guidance - MSC Command Teams (Division Commander, Programs Director and Business Director) which have accountability for the delivery of any part of the 2018 Supplemental Project or Program will develop MSC implementation guidance for their MSC and subordinate Districts. The implementation guidance will

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assess their subordinate Districts readiness to implement the delegated authorities provided and processes required in this DPM. The assessment will focus on existing technical competency and professional judgment along with depth and breadth of experience of the District Chiefs of Programs, Project Management, Engineering, Construction, Planning and Operations along with the District Command Team (District Engineer or the Deputy District Engineer for Project Management). The MSC implementation guidance, as a minimum, will address each of their subordinate Districts' readiness along with any restriction(s) related to implementation of the authorities provided as part of this DPM. The MSC implementation guidance must be issued within 21 calendar days of issuance of this DPM and will specify which delegations they will pass on the individual Districts within their chain of command.

MSC/District Exceptions to USACE Policy and Guidance - This DPM directs MSCs and delegated Districts to immediately begin leveraging their Technical Expertise and Professional Judgment to support risk-informed project specific USACE policy and guidance exception decisions to enhance delivery of the 2018 Emergency Supplemental Program. MSC/delegated District Functional Chiefs of Programs, Project Management, Engineering, Construction, Operations (excluding Regulatory) and Planning along with the MSC/delegated District Command Teams will utilize collaborative risk-informed decision making to assess potential policy and guidance exception decisions.

The MSC and or delegated District Command team will insure that each policy and/or guidance exception is documented, as minimum using the template included in appendix B. The exception documentation will fully document the MSC or the delegated District Functional Chief's recommendation based on their and their staff's Technical Expertise and Professional Judgment along with the MSC/District Command Team's analysis and decision making process. The MSC or delegated District Commander and the SES/Deputy District Engineer for Project Management along with the impacted Functional Chief(s) must sign a Policy/Guidance exception that includes appropriate documentation in order for the Exception to be implemented and fully executed, see attachment (B).

The MSC/delegated District will maintain a log of all policy and guidance exceptions that they have executed. This log will be known as the "Exception Log".

Delegated Districts will forward their Exception Log to the MSC CWID chief, or other designee, at the end of each month for a consistency review.

Each MSC will forward the MSC exception log (to include any District exceptions) to the HQ functional leads monthly, NLT the 7th day of the month, for situational awareness.

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MSC Consistency Review - The MSC will conduct a consistency review of the delegated Districts' policy/guidance exceptions once a quarter to insure that the exceptions are being properly documented and that the exceptions represent technically sound decisions and good professional judgment. The MSC will provide each of their subordinate Districts a summary level assessment of the District's policy and guidance exceptions, no less than once a year.

HQ Situational Awareness review - The HQ staff will maintain a situational awareness of the MSC Exception Logs and the MSC's consistency reviews. Should the HQ Staff (GS-15 and below) determine that any particular exception's documentation is unacceptable or has a concern regarding the District's exception decision, the HQ Staff will forward their concerns to the appropriate HQ SES Functional lead for consideration. The HQ SES Functional lead will make a recommendation to the DCW for review and potential action. Final decision to overturn a District Command Team exception will lie at the HQ DCW level.

The HQ Functional Chiefs will leverage their awareness of the various District exceptions to perform an annual assessment of the need for revisions to HQ policy and guidance based on the nature, reoccurrence and applicability of the MSC/District executed exceptions to USACE policy and guidance.

6. Deliverables.

District.

- Signed, documented and properly executed basis for exceptions.
- Submission of their monthly Exception Log to the MSC, NLT end of each month.

MSC.

- Annually, at a minimum, provide a written summary assessment of the Districts' Exceptions to the District Command Team, NLT 30 Jan.
- MSC implementation guidance (to include delegations) will be provided to each subordinate District NLT 21 calendar days after issuance of this DPM
- MSC will submit their Exceptions Log to the HQ Functional Chiefs NLT the 7th day of each month.

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HQ Functional Leads.

- Provide the MSC a written review of the MSC assessments at least annually.
- Annually, at a minimum, provide an assessment to the DCW regarding the need for permanent changes to USACE policy and guidance based on review of the District Exception Logs.

7. Sustainment.

The DCW will conduct a DPM implementation review with each MSC, to include the subordinate Districts, within three months of issuance of this DPM.

The implementation of this Director's Policy Memorandum will be reviewed for efficiency and effectiveness and revised as necessary at 12 months and 24 months after issuance.

Please address any questions to David Dale, USACE Executive Director for Enhanced CW Delivery, at David.F.Dale@USACE.army.mil.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'J. Dalton', with a long horizontal flourish extending to the right.

JAMES C. DALTON, P.E.
Director of Civil Works

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ATTACHMENT A

Assessment Checklist

This appendix provide a summary checklist to be used by the Districts to support a risk-informed exception to policy/guidance decision. It identifies the specific items to be assessed for each exception.

Exceptions to Corps Policy/Guidance **must not**:

1. Violate existing law(s).
2. Eliminate nor alter procedures that are based on official rule making.
3. Violate policy or guidance from Higher Authority (outside the Corps); such as ASA(CW), DA, DOD, OMB and the like.
4. Materially increase the risk of life loss.

Items to Consider

The District will assess, as a minimum

1. USACE/ARMY Reputation
2. Cost
3. Project Scope
4. Schedule
5. Local/State/Federal considerations
6. Environmental concerns
7. Health & Safety
8. Engineering industry technical criteria/design standards

Items to be documented

1. Assessment of items 1-8 above
2. The Policy/Guidance exception approval must be signed by all of the following:
 - The impacted Functional Chief(s).
 - The MSC SES or Delegated District's, Deputy District Engineer for Project Management
 - The MSC Commander or Delegated District Commander

ATTACHMENT B
TEMPLATE
DOCUMENTATION OF EXCEPTION TO CORPS POLICY

MSC's and Districts are encouraged to identify specific Corps of Engineers policies and guidance that interfere with their ability to execute projects funded with supplemental appropriations under the Bipartisan Budget Act of 2018, and to consider project specific exceptions to policies and guidance. The following is a template for documenting these MSC/delegated District exceptions.

- 1. Identify the project funded by the Bipartisan Budget Act of 2018 and explain the specific delay, inefficiency, or other obstacle to project delivery currently experienced by the command, functional component, or other Corps office.**
- 2. Cite the applicable Army Corps of Engineers regulation, policy, or other requirement causing the delay, inefficiency, or obstacle.**
- 3. Provide a detailed justification for waiver, exception, or other relief from the Corps of Engineers regulation, policy, or requirement.**
- 4. Identify the proponent or official who issued the regulation, policy, or requirement and who has authority to approve the requested waiver, exception, or other relief.**
- 5. Include any other relevant information referenced in appendix A to clearly document your basis for approval of the exception to including the point of contact for this request.**

MSC or Delegated District Commander Signature

MSC SES or Delegated District Deputy for Project Management

MSC or delegated District Functional Chief

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ATTACHMENT C

HQ USACE Civil Works Functional Chiefs' Support for Delegation Memo

Page 10: Chief, Civil Programs and Project Management Division

Page 11: Chief, Engineering and Construction Division

Page 12: Acting Chief, Planning and Policy Division

Page 13: Chief, Operations and Regulatory Division



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JAN 24 2019

MEMORANDUM FOR Director of Civil Works

SUBJECT: Support for Delegation of approval for project specific exceptions to HQUSACE Programs and Project Management Policy and Guidance.

1. I am in support of delegating the approval of exceptions to HQUSACE Programs and Project Management Policy and Guidance, for which I have HQUSACE jurisdictional discretion, to the MSC Programs Director and the MSC Chief of Civil Works Programs Integration Division. This delegation is limited to programs and projects that are a part of the 2018 Emergency Supplemental.
2. I further support MSC delegation, based on an MSC assessment of the District's competences and professional judgment, to the District Commander/Deputy for Project Management/Functional Chief team.
3. This 2018 Emergency Supplemental specific delegation of USACE Engineering Authority to approve project specific exceptions to HQUSACE Policy and Guidance is based on my confidence and trust in the technical competence and professional judgment that is resident in our MSCs. It is also supported by internal controls, in the form of the monthly reporting and my monthly oversight, which is required by the Director for Civil Works "Directors Policy Memorandum" implementing this delegation of authority to approve exception to HQUSACE Policy and Guidance.
4. This support for delegation will be re-evaluated at 12 months and 24 months after issuance of the Directors Policy Memorandum.

A handwritten signature in black ink, reading "Edward E. Belk, Jr.", is positioned above the typed name.

EDWARD E. BELK, JR., P.E.
Chief, Programs and Project Management
Directorate of Civil Works



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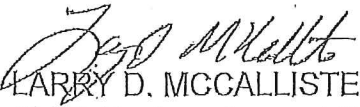
CECW-CE

JAN 24 2019

MEMORANDUM FOR Director of Civil Works

SUBJECT: Support for Delegation of approval for project specific exceptions to HQUSACE Programs and Project Management Policy and Guidance.

1. I am in support of delegating the approval of exceptions to HQUSACE Programs and Project Management Policy and Guidance, for which I have HQUSACE jurisdictional discretion, to the MSC Regional Business Director and the MSC Chief of Engineering and Construction Division. This delegation is limited to programs and projects that are a part of the 2018 Emergency Supplemental.
2. I further support MSC delegation, based on an MSC assessment of the District's competences and professional judgment, to the District Commander/Deputy for Project Management/Functional Chief team.
3. This 2018 Emergency Supplemental specific delegation of USACE Engineering Authority to approve project specific exceptions to HQUSACE Policy and Guidance is based on my confidence and trust in the technical competence and professional judgment that is resident in our MSCs. It is also supported by internal controls, in the form of the monthly reporting and my monthly oversight, which is required by the Director for Civil Works "Directors Policy Memorandum" implementing this delegation of authority to approve exception to HQUSACE Policy and Guidance.
4. This support for delegation will be re-evaluated at 12 months and 24 months after issuance of the Directors Policy Memorandum.


LARRY D. MCCALLISTER, PHD, P.E., PMP
Chief, Engineering and Construction Division
Directorate of Civil Works



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2. I further support MSC delegation, based on an MSC assessment of the District's competences and professional judgment, to the District Commander/Deputy for Project Management/Functional Chief team.
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4. This support for delegation will be re-evaluated at 12 months and 24 months after issuance of the Directors Policy Memorandum.

JOSEPH H. REDICAN
Acting Chief, Planning and Policy Division
Directorate of Civil Works



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THOMAS P. SMITH, P.E.
Chief, Operations and Regulatory Division
Directorate of Civil Works