

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

2007.2: ICE Acquisition Policy

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Superseded: U.S. Immigration and Customs Enforcement (ICE) Directive 2-2.0 (re-numbered as ICE Directive 2007.1), Investment Review Process, dated December 5, 2007.
Federal Enterprise Architecture Number: 306-112-002b

1. Purpose/Background.

This Directive establishes ICE policy and guidance for the planning, decision-making governance, management and execution oversight of all ICE acquisition programs and related acquisition activities. The purpose of these acquisition programs and related activities is to obtain and provide ICE users with operational capabilities that address or resolve existing capability gaps relative to documented and approved mission needs. The acquisition programs governed under this policy typically are established when a capability gap is identified and end once the capability is fully operational and validated to meet operational requirements. At that point the capability is considered to be in operations and maintenance/ sustainment. This Directive applies to acquisition programs which will provide these operational capabilities through capital assets (including both information technology (IT) systems and non-IT systems and projects), and/or through enterprise/component level service contracts (not including those that are in operations and maintenance/sustainment). However, this Directive does not apply to the procurement of commercially-available commodities or commodity-like purchases (for example, the procurement of commercially available automobiles) or to the procurement of services provided via contracts with the private sector (for example, air charter services) or services provided via agreements with other government organizations (for example, agreements for housing ICE detainees).

2. Policy.

The ICE acquisition planning and review process must promote a sound foundation and practice that are verified through effective executive-level oversight and governance of all ICE acquisition programs (both in their establishment and in their execution), and must ensure that ICE acquisitions provide the capabilities needed to achieve the agency's mission, strategic goals, and objectives. ICE acquisition policy adheres to DHS Directive 102-01, *Acquisition Management*, or as updated, D-102-01 and its implementing Instruction and Guidebook (D-102-001) provide overarching policy for all Department and Component acquisitions along with specific policy for major acquisitions which are governed at the Department level. This ICE acquisition policy, along with its implementing instructions, identifies ICE's internal roles and responsibilities for Department-governed major acquisition programs as well as for Component governed non-major acquisition programs. The ICE Component

Acquisition Executive (CAE) is the senior ICE acquisition official responsible for implementation of management and oversight of all ICE acquisition processes and coordinating with the contracting and procurement processes of the Head of Contracting Activity (HCA) and the capital planning and investment control (CPIC) process with the Chief Information Officer (CIO) and Chief Financial Officer (CFO). Approval and execution oversight of acquisitions is conducted by a number of governance forums, as described in the following sections.

3. **Definitions.** The following definitions apply for purposes of this Directive only:
 - 3.1. **Acquisition Program.** A program defined by the totality of acquisition activities directed to accomplish specific goals and objectives, which may provide new or improved capabilities in response to approved requirements and/or sustain existing capabilities, which may have multiple projects to obtain specific capability requirements or capital assets. An acquisition program is funded by one or more investments.
 - 3.2. **Acquisition Decision Authority (ADA).** The individual designated in accordance with criteria established by the DHS Under Secretary for Management (USM) to approve entry of an acquisition program into the next phase of the acquisition process. The ADA has overarching responsibility for the acquisition cost, schedule, risk, and system performance of the acquisition portfolio, and is responsible for establishing and assessing Acquisition Plan Baseline (APB) breaches, directing corrective actions, and approving any revisions to the APB.
 - 3.3. **Acquisition Decision Event (ADE).** A predetermined point within the acquisition phases at which the acquisition will undergo a review prior to commencement of the next phase for the purpose of assessing readiness of the program to proceed to the next ADE based on compliance and completeness of the program. The ADE is chaired by the ADA. The outcome of the ADE is documented through an Acquisition Decision Memorandum (ADM).
 - 3.4. **Acquisition Decision Memorandum (ADM).** A documented record of decisions, exit criteria, and assigned action(s) for a specified type of acquisition as determined by the ADA. The ADM is the official ADE record.
 - 3.5. **Acquisition Lifecycle Framework (ALF).** A four phase process implemented by DHS to determine whether it is appropriate and advisable to proceed with a proposed acquisition program, enterprise/component level service contracts, and strategic sourcing. The four phases are as follows: Need, Analyze/Select, Obtain, and Produce/Deploy/Support. Each phase culminates in an ADE review and decision by the ADA.
 - 3.6. **Business Management Council (BMC).** The senior decision board within the ICE acquisition governance structure (See 4.6). The BMC is also the senior ICE management and decision board for other corporate business activities; this policy applies only to the BMC's role in acquisition matters.

- 3.7. **Capital Planning and Investment Control (CPIC).** A decision-making process for ensuring that investments integrate strategic planning, budgeting, procurement, and management in support of Agency missions and business needs. The term comes from the Clinger-Cohen Act of 1996; while originally focused on IT, it now also applies to non-IT investments. CPIC planning for IT investments is the responsibility of the ICE CIO.
- 3.8. **Component Acquisition Executive (CAE).** The CAE is the senior acquisition official within the Component who leads a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure statutory, regulatory, and higher level policy requirements are fulfilled. CAE responsibilities are listed in DHS Directive 102-01, *Acquisition Management* and its implementing Instruction/Guidebook, or as updated. Primary CAE responsibilities are also described in Section 4 of this Directive. The CAE is nominated by the ICE Component Head and is designated in writing by the DHS Chief Acquisition Officer (CAO), who is the Under Secretary of Management.
- 3.9. **Configuration Management Board (CMB).** The CMBs are the first of three decision boards within the ICE acquisition governance structure. (See 4.8) CMBs may also conduct other mission or business activities; this policy applies only to CMB's role in acquisition matters.
- 3.10. **Enterprise Architecture (EA).** A strategic information asset base that defines the mission, the information necessary to perform the mission, the technologies necessary to perform the mission, and the transitional processes for implementing new technologies in response to changing mission needs. EA includes a baseline architecture, a target architecture, and a sequencing plan
- 3.11. **Executive Steering Committee (ESC).** The second of three decision boards within the ICE acquisition governance structure. (See 4.7) ESCs may also conduct other mission or business activities; this policy applies only to ESC's role in acquisition matters.
- 3.12. **Acquisition Governance.** The management framework within which decisions regarding acquisition programs are made, in support of the strategic mission and priorities of ICE and the principles of effective and efficient oversight processes consistent with DHS D-102-01 policy and directives, regulatory requirements and best practices.
- 3.13. **Investment.** ICE cost, outlays, or expenditures to achieve goals and objectives that result in the acquisition and/or sustainment of a needed capability (including processes) for furthering the ICE and DHS missions. Examples of investments are expenditures for personnel, research and development (R&D), capital assets, information technology, service, operations and maintenance, and decommissioning and disposal of replaced systems.

3.14. Acquisition Portfolio. A grouping of acquisition programs (and possibly other types of investments) that enable collective management and review for improved mission efficiency and cost effectiveness.

4. Responsibilities.

4.1. ICE Component Acquisition Executive (CAE). The CAE performs ADA and execution oversight responsibilities in harmony with investment decisions made by the ESCs and endorsed by the BMC. The CAE serves as a non-voting member of the BMC and ESCs to maintain the independence between the mission or business investment decisions and acquisition decisions. The CAE may establish additional execution oversight forums to provide more focus on specific programs or issues.

- 1) The CAE provides acquisition and program management oversight, policy, and guidance to ensure statutory, regulatory, and higher level policy requirements are fulfilled by ICE acquisitions.
- 2) The CAE is the delegated ADA for non-major (Level 3) acquisitions and is the approving official for Level 3 acquisition documents. With written delegation from DHS, the CAE may assume ADA responsibilities for specified major (Levels 1 and 2) ICE acquisition programs. For Level 1 and 2 programs where the ADA is not delegated to ICE, the CAE is the final ICE endorsement official prior to submitting to DHS for approval and is the ICE representative at DHS-level ADA forums. The CAE is therefore the final ICE signatory on Level 1 and Level 2 acquisition documentation.
- 3) The CAE is the senior ICE official responsible for acquisition workforce matters and performs duties in accordance with DHS Directive 064-04, *Acquisition Professional Career Information*, and implementing policies. The CAE ensures acquisition personnel other than Contracting personnel (which is the responsibility of the HCA), meet DHS-wide mandatory criteria for acquisition career fields, and ensures the best qualified persons are selected for key acquisition management positions (e.g., acquisition program managers) through proactive leadership of the acquisition workforce program and community.
- 4) The CAE is the senior ICE acquisition official responsible for providing agency execution oversight to help ensure acquisition programs operate within their approved cost, schedule and performance baselines, as documented in the APB.
- 5) The CAE is the senior ICE official responsible for ensuring ICE acquisition programs report timely and accurate execution status to ICE leadership and to DHS (e.g., Next Generation Project Reporting Status (nPRS) and Comprehensive Acquisition Status Report (CASR)).
- 6) The CAE will convene a cross-ESC executive forum to examine cross-cutting acquisition information and consider acquisition issues affecting multiple Directorates and Program Offices. The forum will not have investment decision-

making authority, unless delegated by the BMC. Members of this forum are the chairs of all ESCs, the CAE, the Head of Contracting Authority (HCA), and the Office of Budget and Program Performance (OBPP) Director.

- 7) The CAE will establish Instructions and Guidebooks to support the detailed implementation of this Directive.

Office of the CAE (OCAE). The OCAE assists the CAE, ESCs and CMBs, in part through the Portfolio Support Offices (PSOs), in executing their responsibilities as described in this Directive and any implementing handbooks or charters. Additionally, the OCAE coordinates DHS ARB/IRB planning activities, reviews packages for DHS /ICE governance activities and provides DHS reporting guidance and direction to program managers.

- 4.2. **Chief Financial Officer (CFO).** The CFO ensures the integration of acquisition management, budget (including the budget aspects of CPIC)) and performance management. The CFO is a member of the BMC.
- 4.3. **Chief Information Officer (CIO).** The CIO and the Office of the CIO are responsible for management and execution of all IT acquisition programs governed under this Directive. The CIO monitors and evaluates the performance of IT acquisition programs; evaluates the performance of those programs; and advises whether to continue, modify, or terminate a program or project. The CIO is a member of the BMC and of all ESCs.
- 4.4. **Head of Contracting Activity (HCA).** The HCA is a vital contributor and participant in the acquisition governance process, especially with regards to the planning and award of major contracts for acquisition programs after the appropriate ADE. The HCA ensures contracting procurement decisions are based on sound acquisition strategies that will deliver needed goods and services on schedule and at appropriate costs. The HCA is the Director of the Office of Acquisition Management and is a member of the BMC.
- 4.5. **Business Management Council (BMC).** The BMC is the senior decision body within the ICE acquisition and investment governance structure. Relating to acquisitions, the BMC validates acquisition priorities recommended by the ESCs, charters ESCs and defines their operating parameters, reviews and endorses acquisition investment decisions made by the ESCs prior to Acquisition Decision Events, and resolves issues escalated from the ESCs. The BMC members are the Directorate and Program Office heads.
- 4.6. **Executive Steering Committees (ESC).** The ESCs comprise the intermediate tier of the ICE acquisition governance structure and are chartered by the BMC. The BMC will maintain a list of approved ESCs. The ESCs make recommendations to the CAE regarding all acquisition program decisions (e.g., IT, non-IT, and enterprise service contracts), make line of business investment decisions for all acquisition programs, establish CMBs to manage program requirements, endorse the appointment of program managers under their cognizance, and review execution status of acquisition programs. The ESCs also escalate critical risks, cross-portfolio integration issues, or unresolved

conflicts to the BMC for resolution, and review program status against approved cost, schedule, and performance baselines, and report breaches to the BMC.

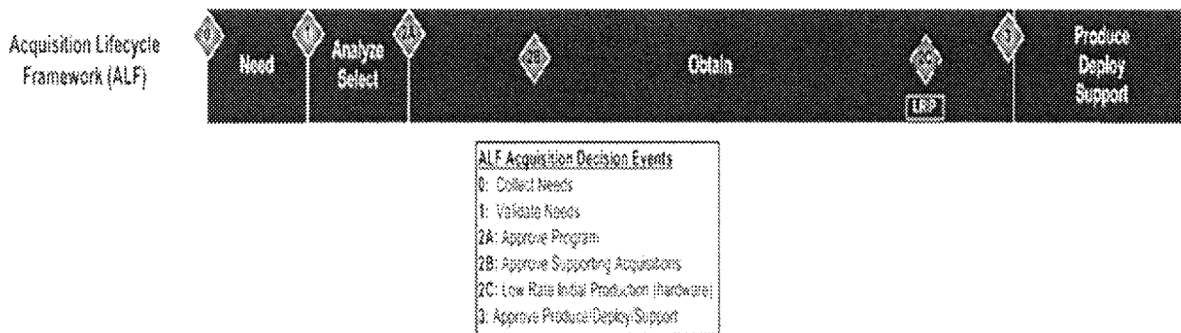
4.7. Configuration Management Boards (CMB). CMBs are established and chartered by the respective ESC Chairs to support mission area Portfolio management responsibilities within the acquisition governance structure. Each ESC will maintain a list of approved CMBs. Relating to acquisitions, the CMBs escalate issues to the respective ESCs if a change impacts cost and/or schedule, assess program ADE documentation readiness from a requirements perspective, and recommend entry of new initiatives into the Acquisition Review Process.

4.8. Portfolio Support Offices (PSOs). PSOs support ESC and CMB Chairs by conducting assessments of programs/projects and conducting D-102-01 documentation reviews. PSOs also promote ESC and CMB adherence to criteria and thresholds for issue consideration, documentation requirements, and other procedures, track program decisions and milestones established by the ESCs and CMBs, track ESC action items to resolution, develop ESC packages and documentation for presentation to the BMC, and serve as the secretariat consolidating and disseminating meeting agendas, briefings, minutes, reports, and packages.

5. Procedures/Requirements.

5.1. ICE Acquisition Review Process

1) The following diagram depicts the structure of the ICE Acquisition Review Process:



2) The ICE Acquisition Review Process is conducted consistent with the DHS Acquisition Lifecycle Framework (ALF) identified in DHS Directive 102-01, or as updated. The ALF interlinks the processes for Acquisition Review, Enterprise Architecture, Requirements, and System Lifecycle Management, with the Department’s processes for Capital Planning and Investment Control (CPIC), and Planning Programming and Budgeting (PPBE). An overview of the requirements for the ICE Acquisition Review Process is provided below.

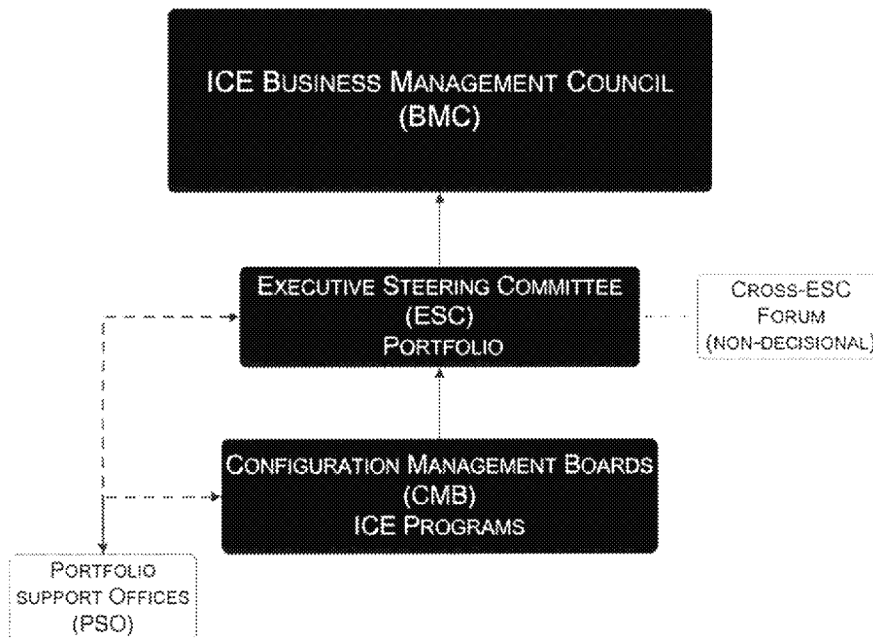
a) The ICE Acquisition Review Process is a four-phase process by which ICE determines whether a program is appropriate and advisable to proceed with a

proposed acquisition program. The four phases are Need, Analyze/Select, Obtain, and Produce/Deploy/Support, which align to the ALF. Details of the requirements for each these phases are provided in DHS Directive 102-01-01, or as updated, and corresponding instructions.

- b) Each phase in the process culminates in a presentation to the ADA who decides whether the proposed acquisition meets the requirements necessary to move on to the next phase, and eventually to full production.

5.2. ICE Acquisition Governance Structure

- 1) The following diagram depicts the structure of the ICE acquisition governance for both ADE-related decision-making and for oversight of program execution. The BMC, ESCs and CMBs may conduct other mission or business activities beyond acquisition; this policy applies only to their role in acquisition matters.



5.3. ICE Acquisition Governance Process. The following diagram depicts the process by which the acquisition governance bodies conduct reviews and complete decision-making processes, as necessary. The steps within this process may be repeated as necessary when conducting acquisition activities.

5.4. Breach. Pursuant to DHS Directive 102-01, or as updated, breaches occur when a program or project fails to meet any cost, schedule, or performance threshold in the APB. If a program breaches an approved APB threshold or the Program Manager determines the program will incur such a breach, the Program Manager must promptly notify the cognizant ESC at its next meeting and the CAE via a formal memo. Within 30 days of breach notification, the Program Manager must submit a remediation plan to the CAE explaining the circumstances of the breach and the proposed corrective action. In the case of DHS-governed acquisition programs (Level 1 and 2 that are not delegated to the Component or Level 3 Special Interest programs), the CAE will notify the Component Head, the DHS Program Accountability and Risk Management (PARM) Executive Director and the DHS ADA of both the breach and the remediation plan in a timely manner.

5.5. Acquisition Levels and Decision Authority.

1) **Program Acquisitions.** DHS divides acquisition programs into three levels that determine the extent and scope of required program and project management, the specific official who serves as the ADA, and the specific reporting level requirements. Acquisition Levels are determined by the lifecycle cost of the program (in Constant Year 2009 dollars). These levels are:

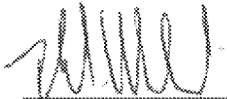
Acquisition Program Type	Acquisition Level	Threshold	CAE Responsibility
Capital Assets	• Level 1 Program Acquisition (Major)	• At or above \$1B Total LCC	• Non-voting member ICE ESCs & BMC and represents ICE at DHS acquisition governance forums
	• Level 2 Program Acquisition (Major)	• \$300M or more, but less than \$1B Total LCC	• Non-voting member ICE ESCs & BMC and represents ICE at DHS acquisition governance forums
	• Level 3 Program Acquisition (Non-Major)	• Less than \$300M Total LCC	• Non-voting member ICE ESCs & BMC and serves as ADA for acquisition programs
Enterprise/Component-Level Service Contracts (for acquisition programs; not for procurement of "off-the-shelf" commercially available enterprise services or for Operations & Maintenance services)	• Level 1 Service Acquisition (Major)	• At or above \$1B Annual Cost	• Non-voting member ICE ESCs & BMC and represents ICE at DHS acquisition governance forums
	• Level 2 Service Acquisition (Major)	• \$100M or more, but less than \$1B Annual Cost	• Non-voting member ICE ESCs & BMC and represents ICE at DHS acquisition governance forums
	• Level 3 Service Acquisition (Non-Major)	• Less than \$100M Annual Cost	• Non-voting member ICE ESCs & BMC and serves as ADA for acquisition programs

Note 1: With written delegation from DHS, the ICE CAE may assume ADA responsibilities for specified Level 1 and 2 programs.

Note 2: The requirements for acquisition documentation are specified in DHS Directive 102-01, Acquisition Management, or as updated, along with its implementing Instruction and Guidebook (D-102-001). The CAE and OCAE has the decision authority to tailor these requirements for CAE-governed acquisition programs and to pursue tailoring with DHS for DHS-governed acquisition programs.

6. **Recordkeeping.** Records will be maintained in accordance with DHS Management Directive 141-01-00.
7. **Authorities/References.**
 - 7.1. Federal Acquisition Streamlining Act (FASA) of 1994 requires agencies to establish and achieve measurable performance goals for major acquisition programs. (Public Law [Pub. L.] 103-355, FASA 10 United States Code [U.S.C.] 2222 and FASA 41 U.S.C. 263).
 - 7.2. Government Performance and Results Act (GPRA) of 1993 establishes the foundation for budget decision-making designed to achieve strategic goals and meet agency mission objectives (Pub. L. 103-62, Office of Management and Budget [OMB]).
 - 7.3. Clinger-Cohen Act (CCA) of 1996, Section 5122, "Capital Planning and process for maximizing the value and assessing and managing the risks of [its] information technology acquisitions." (P.L. 104-106, 40 U.S.C. 11312-11313).
 - 7.4. Executive Order (EO) 13011, "Federal Information Technology," July 19, 1996.
 - 7.5. OMB Circular A-11 (Exhibit 300), "Preparation and Submission of Budget Estimates."
 - 7.6. OMB Circular A-130, "Management of Federal Information Resources."
 - 7.7. Information Technology Investment Management (ITIM) v1.1, March 2004 (U.S. Government Accountability Office [GAO] report: GAO-04-394G).
 - 7.8. DHS Acquisition Management Instruction and Guidebook 102-01-001 (Revision 001, October 1, 2011)
 - 7.9. Department of Homeland Security Acquisition Manual (HSAM) of October 2009.
 - 7.10. DHS Under Secretary for Management Memorandum of September 23, 2009, Designation of ICE Component Acquisition Executive.
 - 7.11. DHS Management Directive (MD) 0003, Acquisition of Line of Business Integration and Management.
 - 7.12. DHS MD 0007.1, Information Technology Integration and Management.

- 7.13. DHS MD 1330, Planning, Programming, Budgeting, Execution (PPBE).
- 7.14. DHS MD 4200.1, Information Technology Capital Planning and Investment Control Portfolio Management.
- 7.15. ICE System Lifecycle Management Handbook.
8. **Attachments.** None.
9. **No Private Right Statement.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; contractors or any other person.



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