

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

PROCUREMENT POLICY



February 2026

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1. INTRODUCTION

This procurement policy provides authoritative guidance on all procurement activities within and on behalf of FMSHRC.

2. SCOPE

This policy applies to all FMSHRC employees, contractors, and agents involved in or responsible for procurement, acquisition, or contracting activities, regardless of funding source or acquisition method. It governs all procurements, including those executed internally or through shared services providers, e.g., Department of Treasury and the General Services Administration (GSA).

3. PURPOSE

This policy, issued by the Chair of the Federal Mine Safety and Health Review Commission (FMSHRC) and the Head of Contracting Activity (HCA), establishes an unequivocal and enforceable mandate for all procurement activities. It ensures that every acquisition action, regardless of size, type, or method, complies strictly with the Federal Acquisition Regulation (FAR), General Services Administration (GSA) policies, and Treasury Shared Services protocols. This policy is binding on all FMSHRC personnel and partners and is subject to rigorous enforcement, oversight, and accountability measures.

4. AUTHORITIES

- Federal Acquisition Regulation (FAR).
- Competition in Contracting Act (CICA).
- Small Business Act and SBA regulations for set-asides and socio-economic programs.
- Federal appropriations law (bona fide need, purpose, time, amount).
- Ethics and integrity: 5 CFR Part 2635 (Standards of Ethical Conduct), procurement integrity (FAR 3.104).
- Domestic preferences: Buy American statutes and FAR Part 25 (as applicable).
- Labor & wage determinations: Service Contract Labor Standards (FAR 22.10) and Davis-Bacon (construction).
- Sustainability & Section 508: EPEAT, ENERGY STAR, and accessibility standards.
- Cybersecurity & supply chain risk management (FAR/OMB memos) for IT acquisitions.
- Records management, FOIA, and privacy compliance.

5. COMPLIANCE AND ENFORCEMENT

- All FMSHRC employees, contractors, and agents involved in or responsible for procurement, acquisition, or contracting activities must strictly adhere to all rules and requirements regarding “Improper Business Practices and Personal Conflicts of Interest.” See [FAR Part 3](#).
- All actual or potential conflicts of interest must be declared and managed in accordance with federal ethics regulations. Undisclosed conflicts will be treated as serious violations. See the [FAR Part 3](#) and [FAR Part 9.502](#).

- All procurement actions must be fully documented, transparent, and auditable pursuant to the FAR Subpart 4.8. Failure to maintain proper documentation or to follow mandatory procedures may result in disciplinary action, up to and including termination of employment, and may result in a referral for criminal investigation.
- All FMSHRC personnel must complete annual procurement and ethics training. Certification of training completion is required for participation in any procurement activity.
- Any deviation from this policy or from applicable FAR, GSA, or Treasury requirements must be justified in writing, approved in advance by the Chair as HCA, and retained in the official contract file.
- Procurement actions conducted through Treasury and GSA must comply with the policies and procedures of those shared services providers. Any issues or irregularities must be reported immediately to the Chair as HCA.
- Gifts, gratuities, or any form of compensation from vendors, contractors, or interested parties are strictly prohibited.
- Suspected fraud, waste, abuse, or violation of this policy must be reported immediately to the Office of Special Counsel (OSC) or other entity, such as Congress, and the Chair as HCA. Retaliation against whistleblowers is strictly prohibited and itself subject to discipline.

6. OVERSIGHT AND ACCOUNTABILITY

- The Chair as HCA will conduct regular reviews and audits of procurement activities, including those undertaken by service providers on the Commission's behalf.
- All records must be retained in accordance with federal records management laws and be readily available for inspection by oversight authorities.
- Personnel found to have violated this policy, federal regulations, or the terms of their delegation will be subject to corrective action, including possible removal of procurement authority or termination of employment.

7. POLICY REVIEW AND AMENDMENT

This policy will be reviewed annually and updated as necessary to ensure continued compliance with evolving federal laws, regulations, and best practices. Amendments will be issued and enforced by the Chair as HCA and communicated to all affected staff.

Approved by:

Marco M. Rajkovich, Jr
Chair and Head of Contracting Activity
Federal Mine Safety and Health Review Commission (FMSHRC)

Effective Date: February 24, 2026

Contact: Theodosia Villatoro-Sorto, Administrative Officer, FMSHRC

ACKNOWLEDGEMENT OF RECEIPT AND REVIEW

I acknowledge that I have received, read, and understand the FMSHRC Procurement Policy. I agree to comply with the requirements and responsibilities outlined in this policy.

Name: _____

Title: _____

Signature: _____

Date: _____