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**COMMERCE ACQUISITION MANUAL
1301.70**

**DEPARTMENT OF COMMERCE
DELEGATION OF CONTRACTING AUTHORITY**

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1301.70**

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Delegation of Contracting Authority

Section 1 - Overview

1.1 Background

During recent years the Federal Government has placed increased importance on acquisition reform, managing for results, accountability, and workforce restructuring and de-layering. The Department of Commerce (DOC) continues to embrace these concepts by developing and implementing programs, policies and guidance that assist in making progress in areas such as performance management, human capital restructuring, and acquisition reform.

Department Administrative Order (DAO) 208-2 *Contracting Authority*, establishes clear lines of contracting authority and accountability as required by Executive Order 12931; Federal Procurement Reform, Public Law (P.L.) 98-191; Office of Federal Procurement Policy Act, 41 United States Code (U.S.C.) 414 and P.L. 108-136; and the Services Acquisition Reform Act of 2003. DAO 208-2 provides delegations of contracting authority at the highest levels within the Department of Commerce.

1.2 Purpose

The purpose of Commerce Acquisition Manual (CAM) Chapter 1301.70 *Delegation of Contracting Authority* is to supplement Department Administrative Order 208-2 by providing specific delegations within the Department of Commerce that correspond directly to the various contracting delegations outlined in the Federal Acquisition Regulation (FAR) and identify actions that require notifications to the Senior Procurement Executive.

1.3 Applicability

Commerce Acquisition Manual Chapter 1301.70 is applicable to all individuals within the Department of Commerce who are delegated contracting authority. The authority delegated or re-delegated shall be exercised in accordance with Federal acquisition laws and regulations, Departmental regulations and policies, and conditions or limitations that are established by the Department of Commerce Secretary, Deputy Secretary, Chief Acquisition Officer or Senior Procurement Executive.

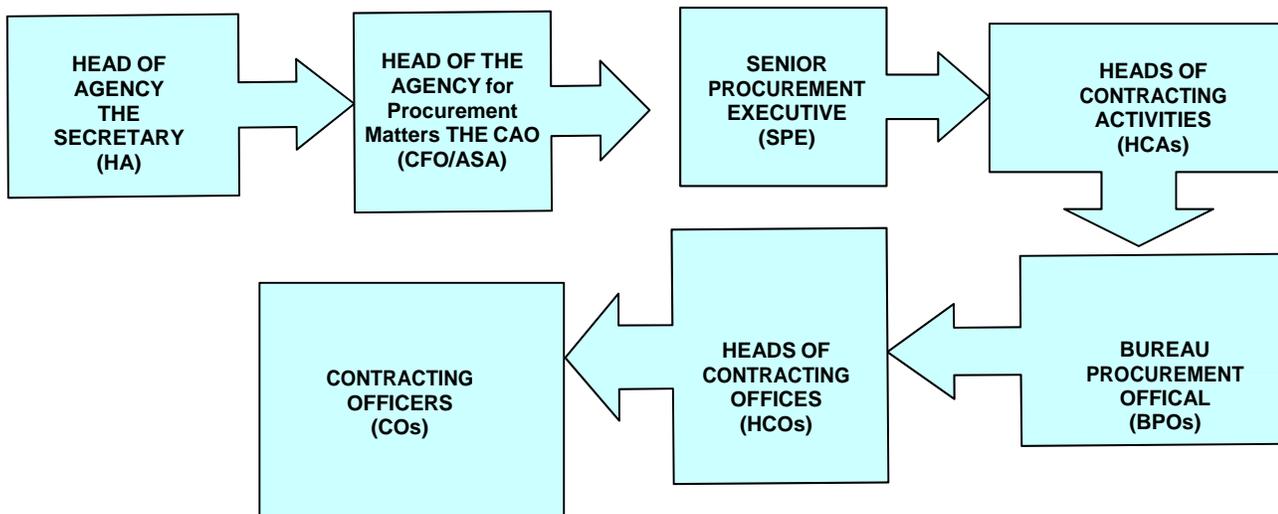
1.4 Objective

This CAM Chapter is designed to align authority with function, responsibility, and accountability by delegating contracting authority to the lowest level practicable, empowering individuals to make decisions while ensuring accountability for results.

1.5 Flow of Contracting Authority

Figure 1-1 depicts the flow of contracting authority within the Department of Commerce.

Figure 1-1 DOC Contracting Authority



1.6 Definitions

1.6.1 Head of Agency (Agency Head)

Head of Agency (or Agency Head) means the Secretary of Commerce (the Secretary), except that pursuant to Department Organization Order (DOO) 10-5 *Chief Financial Officer and Assistant Secretary for Administration*, for procurement matters the head of the agency shall be the Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA), unless a statute provides that the authority of the Secretary is non-delegable.

1.6.2 Chief Acquisition Officer (CAO)

Chief Acquisition Officer means the Department's Executive-level non-career employee designated pursuant to the Services Acquisition Reform Act to advise and assist the Head of Agency and other agency officials to ensure that the mission of the agency is achieved through the management of the agency's acquisition activities. The Chief Financial Officer and Assistant Secretary for Administration have been designated by the Head of Agency as the Chief Acquisition Officer for the Department of Commerce.

1.6.3 Senior Procurement Executive (SPE)

Senior Procurement Executive means the official appointed pursuant to Executive Order 12931 and the Services Acquisition Reform Act, to carry out the responsibilities identified in both the Executive Order and the Services Acquisition Reform Act. Pursuant to Department Organization Order 20-26 *Director for Acquisition Management*, the Director for Acquisition Management is the Senior Procurement Executive for the Department.

1.6.4 Head of Contracting Activity (HCA)

Head of Contracting Activity means the officials who are designated as the Heads of Operating Units (those who are assigned by the President or by the Secretary to manage the primary or constituent operating units of the Department as defined in DOO 1-1 *Mission and Organization of the Department of Commerce*, in Orders establishing the respective operating units and in paragraph 2.08 of Department Administrative Order 208-2, with the exception of the Office of the Secretary.

The Chief Financial Officer and Assistant Secretary for Administration is designated as the HCA for procurements initiated in support of the programs and activities of the Office of the Secretary and all other Secretarial Offices and Departmental Offices.

1.6.5 Competition Advocate

Competition Advocate means an individual with the responsibility to fulfill the requirements of Subpart 6.502 of the FAR and with the authority to approve justifications for other than full and open competition as delegated by the Senior Procurement Executive. Competition advocates are designated for the agency and for each operating unit.

1.6.6 Senior Bureau Procurement Official (BPO)

Senior Bureau Procurement Official means the senior career procurement official within each operating unit that has been delegated contracting authority. The BPO must be a procurement professional who has both experience and training in the area of federal procurement and contracting.

1.6.7 Head of Contracting Office (HCO)

Head of Contracting Office means an individual designated by the Senior Bureau Procurement Official to head the contracting office within each operating unit that has designated contracting authority to award and administer contracts in the full limit of the Department's contracting authority. The HCO must be a procurement professional in the GS-1102 occupational series.

1.6.8 Contracting Officer (CO)

Contracting Officer means an individual with the authority, designated by the Senior Bureau Procurement Official, to enter into, administer, and/or terminate contracts and make related determinations and findings. Only those individuals who are certified and designated as Contracting Officers in accordance with the requirements and procedures of the Commerce Acquisition Regulation and CAM 1301.6, Contracting Certification and Warrant Program may exercise the authority of Contracting Officer. However, by virtue of their positions, the Head of Agency, the Chief Acquisition Officer, the Senior Procurement Executive, and the heads of operating units identified in paragraph 4.04 of DAO 208-2 are also designated as Contracting Officers.

1.6.9 Operating Unit

Operating Unit means the following entities as defined in Department Organization Order 1-1, Mission and Organization of the Department of Commerce, and in Orders establishing the respective operating units: Bureau of Economic Analysis (BEA), Bureau of Industry and Security (BIS), Bureau of the Census (Census), Economic Development Administration (EDA), Economics and Statistics Administration (ESA) (excluding BEA and Census), International Trade Administration (ITA), Minority Business Development Agency (MDBA), National Institute of Standards and Technology (NIST), National Oceanic & Atmospheric Administration (NOAA), National Telecommunications & Information Administration (NTIA), National Technical Information Service (NTIS), United States Patent and Trademark Office (USPTO), Office of Inspector General (OIG), and Office of the Secretary (OS).

1.6.10 Contracting Activity

Contracting Activity means the operating units identified in Subsection 1.6.9.
Contracting activities may or may not have authority to operate contracting offices.

1.6.11 Contracting Office

Contracting Office means an office that awards or executes contracts for supplies or services and performs post-award functions.

END OF SECTION 1

Section 2 - Delegations of Authority

2.1 Contracting Authority

The delegations of contracting authority outlined in Subsections 2.1.1 through 2.1.9 have been established by Department Administrative Order 208-2:

2.1.1 Secretary of Commerce

The Secretary has delegated the authority of "Agency Head" under the authorities of 41 U.S.C. Chapter 4 and 48 Code of Federal Regulation Chapter 1, regarding purchases and contracts for property or services, and other procurement-related authorities of the Secretary to the Chief Acquisition Officer, unless a statute provides that the authority of the Secretary is non-delegable. Specific authorities that cannot be delegated and remain with the Secretary are set forth in Subsection 2.2 Functional Delegations.

2.1.2 Chief Acquisition Officer

Pursuant to Department Organization Order 10-5, the Secretary has delegated to the Chief Acquisition Officer the authorities specified in the Code of Federal Regulations regarding purchases and contracts for property or services, and other procurement related authorities of the Secretary. Specific contracting authorities are delegated in Subsection 2.2, *Functional Delegations*. Authorities specifically delegated to the Chief Acquisition Officer that are identified as non-delegable must be performed by the CAO and may not be re-delegated.

2.1.3 Director for Acquisition Management and Senior Procurement Executive

Pursuant to Department Organization Orders 10-5 and 20-26, the Chief Acquisition Officer has delegated to the Director for Acquisition Management the authority to serve as the Senior Procurement Executive. As the Senior Procurement Executive, the Director for Acquisition Management is delegated Department-wide responsibility for planning, developing and implementing policies and procedures for the acquisition of materials, supplies, equipment and services through procurement and contracting processes, and providing risk management and appropriate oversight of the Department's acquisition process.

The Senior Procurement Executive has the authority to establish contracting offices and delegate broad contracting authority to Heads of Contracting Activities. In addition, the Senior Procurement Executive has authority to issue each Senior Bureau Procurement Official a Contracting Officer Warrant that delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Specific contracting authorities are delegated in Subsection 2.2 Functional Delegations. Authorities specifically delegated to the Senior Procurement Executive that are identified as non-delegable must be performed by the Senior Procurement Executive and may not be re-delegated.

2.1.4 Heads of Operating Units

The heads of the following operating units are authorized to operate contracting offices, as currently exist in those operating units:

- NOAA, pursuant to DOO 25-5, National Oceanic and Atmospheric Administration;
- NIST, pursuant to DOO 30-2B, National Institute of Standards and Technology;
- OS, pursuant to DOO 1-1, Mission and organization of the Department
- PTO, pursuant to DOO 30-3, Patent and Trademark Office; and
- Census, pursuant to DOO 35-2B, Bureau of the Census.

In addition, the First Responder Network Authority (“FirstNet”) an independent authority within the National Telecommunications and Information Administration (“NTIA”), an operating unit, is authorized to operate a contracting office.

Heads of operating units are not authorized to establish new contracting offices. Only the Senior Procurement Executive can authorize establishment of new contracting offices.

2.1.5 Heads of Contracting Activities

Heads of Contracting Activities have overall responsibility and accountability for procurements initiated in support of the programs and activities of their organizations, and specifically, for the contracting decisions required to be made by them in their capacity as HCA, or by those in their organizations having delegated authority for contract decision making.

Heads of Contracting Activities in operating units that do not have contracting offices may delegate those authorities which can be performed below the level of the HCA to individuals in the operating unit that provide their procurement service. Such delegations must be by mutual agreement of the parties. The individuals performing such delegated functions must meet the criteria as specified in DAO 208-2, paragraphs 2.04 and 4.05, and in this Subsection. Delegations made pursuant this paragraph must be in writing designating the specific organizational position receiving the delegation.

Specific contracting authorities are delegated in Subsection 2.2, *Functional Delegations*. Authorities specifically delegated to the HCA that are identified as non-delegable must be performed by the HCA and may not be re-delegated.

2.1.6 Senior Bureau Procurement Official

Heads of Contracting Activities may delegate authority to carry out the day-to-day functions of managing the organization’s contracting activity to the Senior Bureau Procurement Official. Specific contracting authorities are delegated in Subsection 2.2, *Functional Delegations*. Authorities specifically delegated to BPOs that are identified as non-delegable must be performed by the BPO and may not be re-delegated.

2.1.7 Heads of Contracting Office

Senior Bureau Procurement Officials shall issue each Head of Contracting Office a Contracting Officer warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings. Such warrants shall be granted based on qualifications of the Head of Contracting Office based on DOC certification requirements in the Commerce Acquisition Regulation (CAR) and CAM Chapter 1301.6. Specific contracting authorities are delegated in Subsection 2.2, *Functional Delegations*. Authorities that are specifically delegated to Heads of Contracting Offices which are identified as non-delegable must be performed by the

HCO and may not be re-delegated.

2.1.8 Contracting Officer

Senior Bureau Procurement Officials shall issue Contracting Officer warrants to qualified individuals within their respective operating units. Such qualification must comply with DOC certification requirements in the CAR and CAM Chapter 1301.6. Specific contracting authorities are delegated in Subsection 2.2, *Functional Delegations*. Authorities specifically delegated to Contracting Officers that are identified as non-delegable must be performed by the CO and may not be re-delegated.

2.1.9 Competition Advocate

Competition Advocates shall meet the responsibilities prescribed in Subpart 6.5 of the FAR including promoting acquisition of commercial items, promoting full and open competition, and challenging barriers to such actions. In addition, Competition Advocates shall approve justifications for other than full and open competition as delegated by the Senior Procurement Executive.

2.1.10 Miscellaneous Delegations

Subsection 2.2, *Functional Delegations* identifies authorities that have been delegated to individuals other than those named in Subsections 2.1.1 through 2.1.9.

2.1.11 Government Purchase Card

Delegations of authority to make purchases with the Government Purchase Card are made to individual employees by the Head of Contracting Office who services the respective employee's organization. Procedures governing the Purchase Card Program are set forth in CAM 1313.301, Purchase Card Program.

2.1.12 Non-Appropriated Funds

Authority to obligate non-appropriated funds is delegated by the Senior Procurement Executive to the Senior Bureau Procurement Official. The Senior Bureau Procurement Official may further delegate the authority to obligate non-appropriated funds no lower than the Head of Contracting Office. Although such contracts are not subject to the FAR, they remain subject to legal review and other applicable regulations and statutes such as the Competition in Contracting Act.

2.2 Functional Delegations

Throughout the FAR, various functional delegations of authority are identified. Appendix A - *DOC FAR Functional Matrix* sets forth the FAR functional delegations and the corresponding designation within the Department of Commerce as well as limitations on re-delegation.

2.3 Senior Procurement Executive Notifications

In addition to the actions that require SPE review and/or approval as outlined in Appendix A of this CAM Chapter and SPE review, notification and/or approval requirements specified in other CAM Chapters, actions identified in Appendix B require notification to the Senior Procurement Executive.

**END OF SECTION 2
END OF CAM 1301.70**

Appendix A – DOC FAR Functional Matrix

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
1.301	Issue or authorize issuance of agency acquisition regulations and procedures that implement or supplement the FAR and incorporate agency policies, procedures... that govern the contracting process.	HA	PE
1.403	Authorize individual FAR deviations affecting only one contract action.	HA	PE
1.404(a)	Authorize FAR class deviations affecting more than one contract action.	HA or Designee (not below HCA)	PE
1.601	Establish contracting activities and delegate broad authority to managing contracting functions to HCAs.	HA	PE
1.602-3(b)(2) & (3)	Approve Ratification of Unauthorized Commitment (less than \$500,000).	HCA	BPO
1.602-3(b)(2) & (3)	Approve Ratification of Unauthorized Commitment (\$500,000 and above).		PE
1.603-1	Establish and maintain a procurement career management program.	HA	PE
1.603-1	Select and appoint Contracting Officers and terminate their appointments.	HA	BPO and PE
3.104-7	<p>Violation or Possible Violation: (a) If CO obtains information of possible violation of Procurement Integrity Act --</p> <p>(1) CO concludes no violation has taken place or procurement has not been impacted—determination must be forwarded for concurrence.</p>	HCA or Designee	(1) BPO
	(2) If non-occurrence, forward to next level for review and concurrence... authorize CO to execute a contract or other instruction.		(2) HCA (Exception: any BPO position that is held by an SES)
	(f) If person reviewing information determines that award is justified due to urgent and compelling circumstances, or is in best interest of Government.		(f) HCA (Exception: any BPO position that is held by an SES)

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
3.204(a) & (c)	<p>Treatment of Violation Regarding Gratuities:</p> <p>If a determination has been made that a violation has taken place—the agency may take appropriate action in accordance with this subsection.</p>	HA or Designee	HCO
3.602	<p>Authorize exceptions to 3.601 policies on prohibition on awarding contracts to Government employees.</p>	HA or Designee (not below HCA)	HCA
3.704 (a)	<p>Declare void and rescind contracts in which there is a contract for where a sentence has been imposed.</p>	HA or Designee	PE
3.705(a), (b), (c) & (e)	<p>Determination and disposition based on final conviction for bribery, conflict of interest violation, and disclosure of source selection information...</p> <p>Declare void and rescind contracts with respect to which a final conviction has been entered and recover the amounts expended; issue written decision.</p>	HA or Designee	PE
3.905 & 3.906	<p>Whistleblower Protection for Contractor Employees:</p> <p>Take specified actions with regard to contractor employee complaints.</p>	HA or Designee	CAO
4.604(a)	<p>Developing and monitoring a process to ensure timely and accurate reporting of contractual actions to FPDS.</p>	PE and HCA	BPO
5.202(b)	<p>Determine advance notice in the GPE is not appropriate or reasonable after consultation with OFPP and SBA.</p>	HA	BPO
5.403	<p>Receive, from contracting officer, proposed reply to Congressional request for information.</p>	HA	PE
5.404-1(a) & (b)	<p>Release long range acquisition estimates.</p>	HA or Designee	HCO
5.502(a)	<p>Paid Advertisements: Approve publication of paid advertisements in newspapers.</p>	HA or Designee	HCO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
6.202 (a) & (b)(1)	Exclude a source from contract action to establish or maintain alternate source.	HA or Designee	PE
6.302-2 (d)(1)(ii)	Determine exceptional circumstances apply to justify period of performance exceeding one year.	HA or Designee	PE
6.302-7(a)(2)	<p>Justification for Other than Full and Open Competition:</p> <p>Determine that full and open competition is not in the public interest for a particular acquisition.</p>	HA (May not be delegated)	Secretary
6.304(a)	<p>Approve Justification for Other than Full and Open Competition at thresholds specified in 6.304(a)— Thresholds:</p> <p>(1) Proposed Contract Actions not exceeding \$700,000.</p>	(1) Contracting Officer	(1) Operating Unit Competition Advocate
	(2) contract action over \$700,000 but not exceeding \$13.5M.	(2) Procuring Activity Competition Advocate	(2) DOC Competition Advocate
	(3) contract action over \$13.5M but not exceeding \$68M.	(3) HCA or Designee	(3) DOC Competition Advocate
	(4) contact action over \$68M.	(4) PE (May not be delegated)	(4) PE
6.501	Designate a competition advocate for the agency and each procuring activity of the agency.	HA	PE
7.103	<p>Acquisition Planning:</p> <p>Prescribe procedures for various acquisition planning procedures (e.g., providing for Full & Open Competition, encourage commercial item acquisition, acquisition planning criteria, waiving requirements, ensure that agency planners specify needs).</p>	HA or Designee	PE

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
8.405-3(a)(3)(ii)	Provide in writing, compelling reasons in accordance with 8.405-3(a)(3)(ii) to award a single-award BPA in excess of \$112M (including all options) to a single source.	HA	PE
8.405-6(d)	Approve Justifications for Limiting Sources at the thresholds specified in 8.405-6(d)-- Thresholds: (1) Proposed Order or BPA with estimated value exceeding SAT, but not exceeding \$700,000.	(1) Contracting Officer	(1) Contracting Officer
	(2) Order or BPA exceeding \$700,000 but not exceeding \$13.5M.	(2) Procuring Activity Competition Advocate	(2) Operating Unit Competition Advocate
	(3) Order or BPA exceeding \$13.5M but not exceeding \$68M.	(3) Head of Procuring Activity or designee	(3) HCA or Designee
	(4) Order or BPA exceeding \$68M.	(4) PE (May not be delegated)	(4) PE
8.802(b)	Designate a central printing authority.	HA	CAO
9.108-4	Determine that waiver of 9.108-3 is required in the interest of national security.	HA	PE
9.202(a)(1)	Establish qualification requirement (i.e., a Government requirement for testing or other quality assurance demonstration that must be completed before award of a contract).	HA or Designee	BPO
9.202(b)	Waive requirements of 9.202(a)(1)(ii) through (4) for up to two years with respect to the item subject to the qualification requirement.	HA or Designee	BPO
9.202(e)	Approve decision that a procurement need not be delayed in order to comply with 9.202(a)—see above.	HA or Designee	BPO
9.206-1(b)	Determine emergency exists and therefore not enforce a qualification requirement.	HA or Designee	BPO
9.403	Debarment, Suspension or Ineligibility of Contractors:	HA or Designee	PE
	Debarring and Suspending Official.		

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
9.405(a)	Determine that there is a compelling reason to do business with a debarred/suspended contractor in accordance with FAR 9.506-2. This authority does not apply to FAR 23.506(e).	HA	PE
9.405-1(a)	Direct the discontinuance of a contract or subcontract because of a debarment, suspension, or proposed debarment. This authority does not apply to FAR 23.506(e).	HA	PE
9.405-1(b)	Make a written determination of the compelling reasons for placing orders, adding new work, exercising options or extending the duration of current contracts or orders with debarred/suspended contractor. This authority does not apply to FAR 23.506(e).	HA	PE
9.405-2(a)	Provide, in writing, compelling reasons for allowing Government consent to subcontract with a contractor who is debarred, suspended or proposed for debarment. This authority does not apply to FAR 23.506(e).	HA	PE
9.406-1(c)	Determine and state reasons to continue doing business with contractor debarred by another agency. This authority does not apply to FAR 23.506(e).	HA or Designee	PE
9.407-1(d)	Determine and state reasons to continue doing business with contractor suspended by other agency. This authority does not apply to FAR 23.506(e).	HA or Designee	PE
9.503	Organizational Conflicts of Interest: Waive parts of subpart if not in Government interest.	HA or Designee (not below HCA)	HCA
9.506(d)(3)	Resolve potential conflict consistent with the approval or other direction of the HCA.	HCA	HCO
11.103(a)	Require offerors to demonstrate market acceptance of commercial item offered in response to agency needs.	HA	HCO
11.501(d)	Reduce or waive amount of liquidated damages assessed under a contract.	HA	BPO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
12.302(c)	Waive restriction on use of tailored clauses for commercial items.	Agency official initially authorized	HCO
13.201	Delegation and management of the use of Government-wide commercial purchase card for micro-purchases.	HA	HCO
13.305-3(a)	Increase the \$500 limit of imprest funds transaction.	HA	PE
13.501(a)(2)	<p>Approve Justifications for sole source (including brand name) acquisitions or portions of an acquisition requiring a brand-name at thresholds specified in 13.501(a)(2)-- Thresholds:</p> <p>(i) Proposed contract exceeding \$150,000, but not exceeding \$700,000.</p>	(1) Contracting Officer	(1) Contracting Officer
	(ii) Contract exceeding \$700,000 but not exceeding \$13.5M.	(2) Procuring Activity Competition Advocate	(2) Operating Unit Competition Advocate
	(iii) Contract exceeding \$13.5M but not exceeding \$68M.	(3) Head of Procuring Activity or designee	(3) HCA or Designee
	(iv) Contract exceeding \$68M.	(4) PE (May not be delegated)	(4) PE
14.201-7(b)(2) and (c)(2)	Waive the requirement for inclusion of 52.214-27, Price Reduction for Defective Cost and Pricing Data, in a contract with a foreign government.	HCA	BPO
14.404-1(c)	Determine that Invitation for Bid may be cancelled and all bids rejected (after opening but before award).	HA	BPO
14.404-1(f)	Determine cancellation of an Invitation for Bid is in the best interest of the government and negotiations will be conducted.	HA	BPO
14.407-3(a)	Determine, with advice of procurement counsel, granting permission to correct a bid when clear and convincing evidence of mistake exists.	HA	HCO
14.407-3(b)	Determine, with advice of procurement counsel, acceptance of bidder's request to withdraw bid due to a mistake in bid.	HA	HCO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
14.407-3(c)	If evidence of mistake in bid is clear and convincing (but only of mistake and not intent) or evidence supports a mistake but is not clear and convincing... and Offeror requests to withdraw bid... determine, with advice of procurement counsel, to allow withdrawal.	HA	HCO
14.407-3(d)	If evidence does not warrant a determination to allow withdrawal... determine, with advice of procurement counsel that bid be neither withdrawn nor corrected.	HA or Designee	BPO
15.204(e)	Exempt contracts from the uniform contract format.	HA or Designee	HCO
15.403-1(c)(4)	Waive requirement for submission of cost and pricing data.	HCA (may not be delegated)	HCA
15.403-4(a)(2)	Authorize the obtaining of cost and pricing data below threshold.	HCA (may not be delegated)	HCA
16.206-3(d)	Approve use of fixed-ceiling-price contracts with retroactive price redetermination.	HCA (or higher-level if required by agency procedures)	HCA
16.401(d)	Determination and finding, for all incentive- and award-fee contracts justifying that the use of this type of contract is in the best interest of the Government.	HCA	BPO
16.504	Provide in writing, compelling reasons in accordance with 16.504(c) to award a task or delivery order contract in an amount estimated to exceed \$112M (including all options) to a single source.	HA	PE
16.505(b)(2)(ii)(C)	<p>Approve Justification for an Exception to Fair Opportunity at thresholds specified in 16.505(b)(2)(ii)(C)-- Thresholds:</p> <p>(1) Proposed Orders exceeding the SAT, but not exceeding \$700,000.</p>	(1) Contracting Officer	(1) Contracting Officer

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
	(2) Orders exceeding \$700,000 but not exceeding \$13.5M.	(2) Procuring Activity Competition Advocate	(2) Operating Unit Competition Advocate
	(3) Orders exceeding \$13.5M but not exceeding \$68M.	(3) Head of Procuring Activity or designee	(3) HCA or Designee
	(4) Orders exceeding \$68M.	(4) PE (May not be delegated)	(4) PE
16.505(b)(8)	Designate a task and delivery order contract ombudsman.	HA	PE
16.601(d)(1)(ii)	Approve determination and findings that no other contract type is suitable prior to execution of base period if base period plus any option periods exceeds three years.	HCA	BPO
16.603-2(c)	Approve the contracting officer's determination of a reasonable price or fee in definitization of a letter contract.	HCA	HCO
16.603-3	Determine in writing that no other contract is suitable (use of letter contract).	HCA or Designee	BPO
17.104(b)	Authorize modifications to the cancellation requirements of a multi-year contract.	HA	BPO
17.105-1(a)	Determine multi-year contract will serve best interests of Government.	HCA	HCO
17.108(a)	Multi-year contract cancellation ceilings: Notification to Congress of cancellation ceilings in excess of \$13.5M.	HA	PE
17.203(g)(2)	Limit option quantities for additional supplies to not more than 50 percent.	Agency official initially authorized	HCO
17.204(e)	Approve use of contract with base period plus option periods in excess of five years.	Agency official initially authorized	PE
17.602(a)	Authorize contracting officers to enter in to or renew management and operating contracts.	HA (may not be delegated)	HA
18.201(b) and (c)	Determine increase to micro- purchase and simplified acquisition thresholds when supplies or services are in support of contingency operation.	HA	PE

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
18.202(a),(b) and (c)	Determine increase to micro- purchase and simplified acquisition thresholds when supplies or services are used to facilitate defense against or recovery from attack.	HA	PE
19.502-3(a)(5)	Authorize partial set-aside when only one large business and one small business might respond.	HCA	HCO
19.505(b) & (c)	Reject SBA recommendation to Set- Aside an Acquisition for Small Business: Render decision on SBA appeal of CO rejection of Small Business Set-Aside.	HCA or Designee	PE
19.505(d)	Forward justification for decision made in 19.505(b) to the HCA.	HCA or Designee	BPO
19.505(e)	Reply to SBA concerning appeal of decision to reject SBA recommendation.	HA	CAO
19.810(a), (b) & (c)	Determine disposition of certain actions if SBA and contracting officer cannot agree, issue an appeal decision if requested by SBA and document reasons for decision.	HA	CAO
19.812(d)	Confirm or withdraw request by CO to SBA for waiver to terminate requirement.	HA	CAO
22.101-1(e)	Designate programs/requirements where contractors must notify the Government of actual or potential labor dispute.	HCA	HCO
22.103-4(a), (b), (e) and (f)	Approve overtime after determining necessity in writing and in accordance with the requirements of 22.103-4.	Agency official initially authorized	BPO
22.302(c)	Make adjustment in or release contractor from liability (re: liquidated damages) when an overtime computation discloses underpayments.	HA	BPO
22.404-6(b) (6)	Request extension to 90-day wage determination period to make award under sealed bids.	HA or Designee	CO
22.406-8(d)(2)	Process contracting officer's report on a labor standards investigation.	HA or Designee	HCO
22.604-2(b)(1)	Request Secretary of Labor to exempt contracts from Walsh-Healey Act.	HA	BPO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
22.805(a)(8)	Approve award without pre-award clearance.	HCA	BPO
22.807(a)(1)	Determine contract essential to national security and that award without compliance with EO 11246 is necessary.	HA	PE
22.1305(b)	Waive any part or subpart when it is determined that contract is essential to national security and that award without compliance is necessary for national security.	HA	PE
22.1403(a)	Waive clause on affirmative action for handicapped workers (with concurrence of Deputy Assistant Secretary for Federal Contract Compliance, DOL).	HA	BPO
22.1403(b)(1)	Waive requirements of this subpart (22.14), with the concurrence of the Deputy Assistance Secretary for Contract Compliance, DOL, when it is determined that the contract is essential to the national security.	HA	PE
23.204(a)	Determine, in writing, that no ENERGY STAR® or FEMP-designated product meets functional requirements.	HA	HCO
23.204(b)	Determine, in writing, that no ENERGY STAR® or FEMP-designated product is cost effective.	HA	HCO
23.506(e)	Waive a determination to suspend contract payments, terminate, debar, or suspend a contractor for certain drug-free workplace violations.	HA (may not be delegated)	CAO
25.004	Submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture end products outside the US in that fiscal year.	HA	PE
25.103(a)	Determine domestic preference is inconsistent with public interest.	HA	CAO
25.103(b)(2)(i)	Make non-availability determination.	HCA	BPO
25.105(a)(1)	Make written determination that use of higher factors is more appropriate.	HA	BPO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
25.202(a)(1)	Determine not to use domestic construction material as it would be impractical or inconsistent with the public interest.	HA	CAO
25.202(a)(2)	Determine domestic construction materials are not available of sufficient quantity and quality (Buy American).	HCA	CAO
25.204(b)	Evaluate percentage figures regarding Buy American Act - specify a higher percentage.	HA	BPO
25.1001(a) (2)(iii)	Execute D&F with concurrence of Comp Gen to use clause 52.215-2 with its Alt III, (Audit and Records - Negotiation) or 52.212-5 with its Alt 1(contract Terms and Conditions Required to Implement Statutes or Executive Orders-- Commercial Items).	HA	BPO
25.1102(a)(2) and (c)(2)	Determine that a higher percentage for evaluation of offerors is appropriate in applying Buy American Act as it applies to construction materials.	HA	BPO
26.203(b)	Determine that response, relief and/or reconstruction activity to a local firm, or firms, is not feasible or practical.	HA	HCO
27.201-2(e)	Exempt U.S. patent(s) from patent indemnity clause.	HA or Designee	PE
27.303(b)(3)	Determine it is in national interest to acquire right to sublicense foreign governments or international organizations.	HA or Designee	CAO
27.303(e)(1)(ii)	Determine restriction to or elimination of right to retain title to any subject invention to better promote policy and objectives of chapter 18 of title 35 of the United States Code through inclusion of 52.227-13.	HA	CAO
27.303(e)(4)(ii)	Determine that it is in the national interest to sublicense foreign governments or international organizations pursuant to existing or future treaty or agreement through use of Alt 1 to 52.227-13.	HA	CAO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
27.304-4(a)	Provide the contractor with the written statement of the basis, including relevant facts, for taking any of the actions listed under 27.304-4(a).	HA or Designee	BPO
27.306(a)	Approve provision and sign written justification if a contract ...contains a provision allowing Government to require license ...	HA (may not be delegated)	CAO
27.404-5(a)(2)(ii)(B)	Concur with contracting officer's determination that data markings are not authorized.	HCA	HCO
28.101-1(c)	Authorize class waivers to requirement to obtain a bid guarantee.	HA or Designee	PE
28.105	Approval of other types of bonds.	HCA	HCO
28.106-2(a)	Approval to substitute surety bonds.	HCA	HCO
28.106-6(c)	Furnish certified copies of bonds and contracts.	HA or Designee	CO
28.203-7(a)	Exclude individual from acting as a surety on bonds.	HA or Designee	BPO
28.305(d)	Recommend waiver to Secretary of labor regarding Defense Base Act.	HA	CAO
29.303(a)	Review contention that a contractor is an agent of the Government.	HA	BPO
30.201-1 which refers to 9903.201-1	Waive applicability of Cost Accounting Standards for part of contract or schedule.	HA	BPO
30.202-2 which refers to 9903.202-2	Determine it is impracticable to secure Disclosure Statement and authorize contract award.	HA (may not be delegated)	CAO
31.101	Approve individual deviations concerning cost principles.	HA or Designee	BPO
31.205-6(g)(6)	Waive cost allowability limitations under certain circumstances regarding compensation of foreign nationals.	HA	BPO
31.205-6(p)(3)(iii)	Establish exceptions to limitation on allowability of compensation for scientists, engineers, or other specialists.	HA	HCA

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
32.006-1(b) and (e)	Exercise responsibilities related to reduction or suspension of contract payments upon finding of fraud.	HA (may not be delegated below level 4 of the Executive Schedule)	CAO
32.114 & 32.202-1(d)	Approve unusual contract financing.	HA	BPO
32.402 (c)(1)(iii)	Determine advance payment in public interest or facilitates national security.	HA or Designee	BPO
32.407(d)	Authorize advance payment without interest.	HA or Designee	BPO
32.802(e)(1)	Receive written notice of assignment.	CO or HA	CO
32.903(a)	Establish payment processing procedures.	HA	HCO
32.906(a)	Allow invoice payments earlier than 7 days prior to due date specified in contract.	HA or Designee	CO
33.102(b)	Determine that acquisition under protest does not comply with law or regulation and take appropriate action.	HA	PE
33.104(b) & (c)	Authorize award/contract performance when protest pending.	HCA (may not be delegated)	HCA
33.104(g)	Report to the Comptroller General that the agency will not comply with the Comp Gen recommendation.	HCA	PE
33.203(b)	Determine application of Contract Disputes Act of 1978 will not be in the public interest.	HA	CAO
34.005-6	Reaffirms mission need and program objectives; and grants approval to proceed with production of successfully tested major systems.	HA	HCA
35.014(b)	Determine applicability of certain policies regarding title to equipment.	HA	HCO
35.017-2(j)	Approve establishment of or change a Federally Funded Research and Development Center (FFRDC).	HA	CAO
35.017-4(b)	Approve continuing or terminating a FFRDC.	HA	CAO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
36.208	Approve concurrent performance of CPFF, price incentive and other types of contracts with cost variation or cost adjustment features.	HCA	BPO
36.209	Approve construction contracts with A&E firms that designed the project or its subsidiaries or affiliates.	HA or authorized representative	HCA
36.602-4	Make final selection decision.	HA or Designee	BPO or designed selection authority
36.609-1(c)	Determination concerning funding limitations.	HCA or Designee	HCA
37.204	Make determinations regarding availability of Government personnel to perform evaluation.	HA	BPO
41.201(d)(2) (i)	Enter into a contract pursuant to 42 U.S.C. 8287 (shared energy savings).	HA	BPO
41.201(d)(3)	Enter into contracts --(i) for the purchase or transfer of electricity to the agency by a non-utility, including a qualifying facility under the Public Utility Regulatory Policies Act of 1978; (ii) Enter into an interagency agreement pursuant to 41.206 and 17.5, with a Federal power marketing agency or the Tennessee Valley Authority for the transfer of electric power to the agency; and (iii) Enter into a contract with an electric utility under the authority or tariffs of the Federal Energy Regulatory Commission.	HA	CAO
41.202(c)(2)	When a utility supplier refuses to execute a tendered contract ...approve determination that written contract cannot be obtained.	HCA	BPO
41.204(c)(1)(ii)	Determine use of GSA area-wide utility services contract not advantageous.	HCA or Designee	BPO
42.202(c)(2)	Approve delegation of additional contract administration duty.	HCA or Designee	HCO
42.602(a)(2)	Approve assignment of a corporate administrative contracting officer.	HA or Designee	HCO

FAR SECTION	FUNCTION	FAR DESIGNATION	DOC DELEGATION
42.703-2(b)	Waive certification of contractor proposal of indirect costs.	HA or Designee	HCO
44.302(a)	Raise or lower \$25 million sales threshold (regarding Contractor Purchasing System Review).	HA	PE
48.102(a) & 48.201(a)(6)	Grant exemptions to inclusion of value engineering provisions on a case-by-case contract basis, or for specific classes of contracts.	HA	BPO
48.104-3(a)	Determine that costs associated with collateral savings exceed benefits.	HA	HCA
50.102-1(b) and (c)	<p>Exercise the authorities set forth— (b) Authority to approve requests to obligate the Government in excess of \$70,000 may not be delegated below the secretarial level.</p>	(b) and (c) HA (>\$70K may not be delegated)	(b) <\$70K CAO; >\$70K Secretary -
	(c) Regardless of dollar amount, authority to approve any amendment without consideration that increases the contract price or unit price may not be delegated below the secretarial level , except in extraordinary cases or classes of cases when the agency head finds that special circumstances clearly justify such delegation.	(c) Secretary (except in extraordinary cases)	Secretary
50.102-1(d)	<p>Authority to indemnify— (d) Regardless of dollar amount, authority to indemnify against unusually hazardous or nuclear risks, including extension of such indemnification to subcontracts, shall be exercised only by the Secretary or Administrator of the agency concerned.</p>	Secretary	Secretary
50.102-2	Establish a contract adjustment board.	HA	CAO
50.104-1	Require indemnified contractor to provide financial protection.	HA	CAO

Appendix B – Senior Procurement Executive Notifications

The Senior Procurement Executive (SPE) has a responsibility to provide risk management and appropriate oversight in acquisition management to ensure the Department's Contracting Offices are effectively and efficiently managing the procurement process. To effectively execute this responsibility, it is necessary for certain contract-related matters to have a greater level of review and accountability.

In addition to actions that require SPE review and/or approval as outlined in Appendix A of this CAM Chapter and SPE review, notification and/or approval requirements specified in other CAM Chapters, the Senior Bureau Procurement Official shall ensure the following actions are submitted to the Senior Procurement Executive within 5 business days of receipt or issuance, as applicable, using the Office of Acquisition Management mailbox at OAM_Mailbox@doc.gov:

a. Terminations:

- i. Issuance of notices preliminary to contract termination for cause or default (full or partial).
- ii. Issuance of final decisions of termination for cause or default (full or partial).

b. Congressional Inquiries:

- i. Receipt of Congressional inquiries related to contract matters.
- ii. Issuance of proposed **and** final responses to Congressional inquiries related to contract matters.

c. Protests, Lawsuits or Appeals:

- i. Receipt of protests, lawsuits, or appeals filed against the Department relating to contractual actions.
- ii. Issuance of responses to protests, lawsuits, or appeals filed against the Department relating to contractual actions.

d. Final Decision: Issuance of Contracting Officer's final decisions, including decisions to assess liquidated damages, and responses to requests for equitable adjustment.

e. Conflicts of Interest: Issuance of determinations of potential and/or actual personal or organizational conflicts of interest.