



**Court Services and Offender Supervision Agency
for the District of Columbia**

Pretrial Services Agency for the District of Columbia

Policy Statement 5608
Policy Area: **Procurement**
Effective Date: 2/2/2015

2/2/2015

POLICY STATEMENT

X 

Nancy Ware
Director of CSOSA
Signed by: Nancy Ware

Approved:

2/2/2015

X 

Clifford T. Keenan
Director of PSA
Signed by: Clifford T. Keenan

Approved:

DELEGATION OF CONTRACTING AUTHORITY

I. COVERAGE

This Policy Statement applies to all Court Services and Offender Supervision Agency (CSOSA) employees delegated with contracting authority, (hereafter, referred to as “employees”). This policy applies to the Pretrial Services Agency for the District of Columbia (PSA), only to the extent of the CSOSA Director’s delegation of authority as “Agency Head” to the PSA Director as further defined in Appendix B, Paragraph A.1 of this Policy Statement.

II. BACKGROUND

During recent years the Federal Government has placed increased importance on acquisition reform, managing for results, accountability, and workforce restructuring and de-layering. CSOSA 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.

This policy 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.

III. POLICY

This Policy Statement provides specific delegations within CSOSA that correspond directly to the various contracting delegations outlined in the Federal Acquisition Regulation (FAR). This policy aligns contracting 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.

The authority delegated or re-delegated shall be exercised in accordance with Federal acquisition laws and regulations, CSOSA policies, and conditions or limitations that are established by the CSOSA Director, Deputy Director, or Senior Procurement Executive.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

1. Executive Order 12931, Federal Procurement Reform, October 13, 1994
2. Public Law (P.L.) 98-191; Office of Federal Procurement Policy Act,
3. 41 United States Code (U.S.C.) 414, Chief Acquisition Officers and Senior Procurement Executives
4. P.L. 108-136; National Defense Authorization Act, November 24, 2003
5. Services Acquisition Reform Act of 2003.

B. Supersedures

None

C. Procedural References Memorandum

Operational Instruction MA-2008-52-01, Agency Purchase Credit Card Procedures, June 30, 2008

D. Attachments

1. Appendix A – Definitions
2. Appendix B – Delegations of Authority
3. Appendix C – CSOSA FAR Functional Matrix
4. Attachment A – Flow of Contracting Authority Chart

APPENDIX A

DEFINITIONS

Head of Agency (Agency Head) - means the CSOSA Director (Director).

Senior Procurement Executive (SPE) - Procurement Executive or 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. The Associate Director for the Office of Administration is the Senior Procurement Executive for CSOSA.

Head of Contracting Activity (HCA) – Is the official who is designated as the Director, Office of Procurement (CSOSA), as delegated by the Associate Director for the Office of Administration, to manage the acquisition functions within CSOSA.

Competition Advocate - Is an individual, designated by the SPE with the responsibility to fulfill the requirements of Subpart 6.502 of the FAR and with authority to approve justifications for other than full and open competition consistent with Appendix C of this policy.

Contracting Officer (CO) - Is an individual with the authority, designated by the HCA, 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 CSOSA Acquisition Manual 1.6 may exercise the authority of contracting officer. However, by virtue of their positions, the Head of Agency, and the Senior Procurement Executive are also designated as contracting officers.

Contracting Office - The office that awards or executes contracts for supplies or services and performs post-award functions; the CSOSA Office of Procurement.

Small Business Advocate – Is a position in the Office of Procurement that is responsible for reviewing the CSOSA Advance Acquisition Plan and identifying acquisitions which can be set aside under one of the small business set aside programs, annually informing the SPE of small business contracting achievements, acting as the liaison between CSOSA and the Small Business Administration, and working with program and Procurement staff on identifying small business resources to fulfill CSOSA requirements.

APPENDIX B
DELEGATIONS OF AUTHORITY

A. Contracting Authority

The delegations of contracting authority outlined below are hereby established:

1. Director, CSOSA

The Director hereby delegates the authority of “Agency Head” under the authorities of 41 U.S.C. Chapter 4 and 48 Code of Federal Regulations Chapter 1, regarding purchases and contracts for property or services, and other procurement-related authorities of the Director as identified below, unless a statute provides that the authority of the Director is non-delegable.

Delegation for CSOSA: Associate Director for the Office of Administration; and

Delegation for PSA: Director, PSA. Further delegation of contracting authority within PSA shall be at the discretion of the PSA Director. Further delegations of contracting authority shall not be made at a level below that identified in the Federal Acquisition Regulation as indicated in Appendix C of this Policy Statement or other Federal Regulation as may be applicable. Delegation of procurement authority shall include, but is not limited to, appointment of a PSA Senior Procurement Executive, PSA Head of Contracting Activity, PSA Competition Advocate, and PSA Contracting Officers.

Specific authorities that cannot be delegated and remain with the CSOSA Director are set forth in Appendix B, Section B, Functional Delegations.

2. Associate Director of the Office of Administration and Senior Procurement Executive

The Director has delegated to the Associate Director for the Office of Administration the authority to serve as the Senior Procurement Executive (SPE). As the SPE, the Associate Director for the Office of Administration is delegated Agency-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 for operation of a contracting office for the agency. The SPE has the authority to establish contracting offices and delegate broad contracting authority to the Head(s) of Contracting Activity(ies). In addition, the SPE has the authority to issue the Head(s) of Contracting Activity(ies) 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 Appendix B, Section B, Functional Delegations. Authorities specifically delegated to the SPE that are identified as non-delegable must be performed by the SPE and may not be re-delegated.

3. Head of Contracting Activity

The Head of Contracting Activity (HCA) has 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. The HCA shall designate the Small Business Advocate within the Office of Procurement.

Specific contracting authorities are delegated in Appendix A, Section B, 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.

4. Contracting Officer

The HCA shall issue Contracting Officer warrants to qualified individuals within their respective operating units. Such qualification must comply with CSOSA certification requirements in the CSOSA Acquisition Manual (CAM) Chapter 1.6, Acquisition Career Management Program. Specific contracting authorities are delegated in Appendix B, Section B, 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.

5. Competition Advocate

The Competition Advocate 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, the Competition Advocate shall approve justifications for other than full and open competition consistent with Appendix C of this policy.

6. Task Order and Delivery Order Ombudsman

The Task Order and Delivery Order Ombudsman is an individual designated by SPE within the Office of Procurement with the responsibility of ensuring the contractor concerns regarding compliance with task/delivery order award procedures, reviewing contractor complaints on task/delivery order contracts and ensuring all contractors are afforded a fair opportunity to be considered for each task/delivery order, consistent with

FAR 16.505(b). When required, the individual requested is responsible for maintaining strict confidentiality of the contractor requesting assistance.

7. Miscellaneous Delegations

Appendix B, Section B, Functional Delegations identifies authorities that have been delegated to individuals other than those named in Appendix B, Sections A1 through A5 above.

9. Government Purchase Card

Delegations of authority to make purchases with the Government Purchase Card are made to individual employees by the HCA. Procedures governing the Purchase Card Program are set forth in Operational Instruction MA-2008-52-01, Agency Purchase Credit Card Procedures.

B. Functional Delegations

Throughout the Federal Acquisition Regulation, various functional delegations of authority are identified. The CSOSA FAR Functional Matrix, Appendix C, sets forth the FAR functional delegations and the corresponding designation within CSOSA as well as limitations on re-delegation.

APPENDIX C
CSOSA FAR FUNCTIONAL MATRIX

FAR SECTION	FUNCTION	FAR DESIGNATION	CSOSA 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	SPE
1.403	Authorize individual FAR deviations affecting only one contract action.	HA	SPE
1.404(a)	Authorize FAR class deviations affecting more than one contract action	HA or designee (not below HCA)	SPE
1.601	Establish contracting activities and delegate broad authority to managing contracting functions to HCAs.	HA	SPE
1.602-3(b)(2) & (3)	Approve Ratification of Unauthorized Commitment	HA	SPE
3.104-7	Violation or possible violation: (a) If CO obtains information of possible violation of Procurement Integrity Act— (1) CO concludes no violation has taken place or procurement has not been impacted—determination must be forwarded for concurrence (2) If non-occurrence, forward to next level for review/concurrence... authorize CO to execute a contract or other instruction (f) If person reviewing information determines that award is justified due to urgent and compelling circumstances, or is in best interest of Government. Declare void and rescind contracts in which there is a contract for which a sentence has been imposed.	HCA or designee	HCA
3.204(a) & (c)	Treatment of Violation Regarding Gratuities: If a determination has been made that a violation has taken place—the agency may take appropriate action in accordance with this subsection.	HA or designee	SPE
3.602	Authorize exceptions to 3.601 policy on prohibition on awarding contracts to Government employees	HA or designee (not below HCA)	HCA
3.704(a)	Declare void and rescind contracts in which there is a contract for which a sentence has been imposed.	HA or Designee	SPE
3.705(a), (b), (c),	Determination and disposition based on final	HA or Designee	SPE

and (e)	conviction for bribery, conflict of interest violation, and disclosure of source selection information... Declare void and rescind contracts with respect to which a final conviction has been entered and recover the amounts expended; issue written decision		
3.905 & 3.906	Whistleblower Protection for Contractor Employees: Take specified actions with regard to contractor employee complaints.	HA or Designee	SPE
5.202(b)	Determine advance notice in the GPE is not appropriate or reasonable after consultation with OFPP and SBA	HA	HCA
5.403	Receive, from contracting officer, proposed reply to Congressional request for information	HA	SPE
5.404-1(a) & (b)	Release long-range acquisition estimates	HA or Designee	HCA
5.202(a)	Paid Advertisements: Approve publication of paid advertisements in newspapers	HA	HCA
6.202 (a) & (b)(1)	Exclude a source from contract action to establish or maintain alternate source	HA or Designee	SPE
6.302-2(d)(1)(ii)	Determine exception circumstances apply to justify period of performance exceeding one year	HA	HCA
6.302-7(a)(2)	Justification for Other than Full & Open Competition: Determine that full and open competition is not in the public interest for a particular acquisition.	HA (May not be delegated)	HA
6.304(a)	Approve Justification for Other than Full and Open Competition at thresholds specified in 6.304(a)—Thresholds: (1) Proposed Contract Actions not exceeding \$550,000 (2) >\$550,000 but <\$11,500,000 (3) >\$11,500,000 but <\$57,000,000 (4) >\$57,000,000	(1) CO (2) Competition Advocate (May not be delegated) (3) HCA or Designee (4) SPE (may not be delegated)	(1) HCA < \$50,000 (2) SPE ≥ \$50,000 (3) SPE (4) HA
6.501	Designate a competition advocate for the agency and each procuring activity of the agency	HA	SPE
7.103	Acquisition Planning: 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).	HA or Designee	SPE
8.802(b)	Designate a central printing authority	HA	SPE

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9.108-4	Determine that waiver of 9.108-3 is required in the interest of national security	HA	SPE
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	HCA
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. The waiver authority does not apply to qualification requirements contained in QPL, QML, or QBL.	HA or Designee	HCA
9.202(e)	Approve that a procurement not be delayed in order to comply with 9.202(a)—see above	HA or Designee	HCA
9.206-1(b)	Determine emergency exists and, therefore, not enforce a qualification requirement	HA or Designee	HCA
9.403	Debarment, Suspension or Ineligibility of Contractors: Debarring and Suspending Official	HA or Designee	SPE
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	SPE
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	SPE
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	SPE
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	SPE
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	SPE
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	SPE
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	CO
11.103(a)	Require offerors to demonstrate market acceptance of commercial item offered in response to agency needs	HA	CO
11.501(d)	Reduce or waive amount of liquidated damages assessed under a contract	HA	HCA

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12.302(c)	Waive restriction on use of tailored clauses for commercial items	Agency official initially authorized	HCA
13.201	Delegation and management of the use of Government-wide commercial purchase card for micro-purchases	HA	HCA
13.305-3(a)	Increase the \$500 limit of imprest funds transaction.	HA	SPE
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	CO
14.404-1(c)	Determine that Invitation for Bid may be cancelled and all bids rejected (after opening, before award)	HA	HCA
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	HCA
14.407-3(a)	Determine, with concurrence of the Office of General Counsel, granting permission to correct a bid when clear and convincing evidence of mistake exists.	HA	CO
14.407-3(b)	Determine, with concurrence of the Office of General Counsel, acceptance of bidder's request to withdraw bid due to a mistake in bid	HA	CO
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 concurrence of the Office of General Counsel, to allow withdrawal	HA	CO
14.407-3(d)	If evidence does not warrant a determination to allow withdrawal...determine, with concurrence of the Office of General Counsel, that bid be neither withdrawn nor corrected	HA or Designee	HCA
15.204(e)	Exempt contracts from the uniform contract format	HA or Designee	HCA
15.403-1(c)(4)	Waive requirement for 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	HCA
16.401(d)	Determination and finding that use of incentive fee or award fee contract is in the best interest of the Government	HCA	HCA
16.505(b)(8)	Designate a task order contract and delivery order contract ombudsman	HA	SPE
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	HCA
16.603-2(c)	Approve the contracting officer's determination of a reasonable price or fee in	HCA	HCA

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	definitization of a letter contract		
16.603-3	Determine in writing that no other contract is suitable (use of letter contract)	HCA or Designee	HCA
17.104(b)	Authorize modifications to the cancellation requirements of a multi-year contract.	HA	HCA
17.105-1(a)	Determine multi-year contract will serve best interests of Government	HCA	HCA
17.108(a)	Multi-year contract cancellation ceilings: Notification to Congress of cancellation ceilings in excess of \$11.5M	HA	SPE
17.203(g)(2)	Limit option quantities for additional supplies to not more than 50 percent	Agency official initially authorized	CO
17.204(e)	Approve use of contract with base period plus option periods in excess of five years.	Agency official initially authorized.	SPE
17.602(a)	Authorize contracting officers to enter into 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	SPE
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	SPE
19.502-3(a)(5)	Authorize partial set-aside when only one large business and one small business might respond.	HCA	HCA
19.505(b) & (c)	Reject SBA recommendation to Set-Aside an Acquisition for Small Business: Render decision on SBA appeal of contracting officer rejection of Small Business Set-Aside	HCA or designee	SPE
19.505(d)	Forward justification for decision made in 19.505(b) to the HA	HCA or designee	HCA
19.505(e)	Reply to SBA concerning appeal of decision to reject SBA recommendation	HA	HA
19.810(a), (b) & (c)	Determine disposition of certain actions if SBA and CO cannot agree, issue an appeal decision if requested by SBA and document reasons for decision	HA	SPE
19.812(d)	Confirm or withdraw request by CO to SBA for waiver to terminate requirement	HA	HA
22.101-1(e)	Designate programs/requirements where contractors must notify the Government or actual or potential labor dispute	HCA	HCA
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	CO
22.302(c)	Make adjustment in or release contractor from liability (re: liquidated damages) when an overtime computation discloses underpayments	HA	CO
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 CO's report on a labor standards	HA or designee	HCA

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	investigation		
22.604-2(b)(1)	Request Secretary of Labor to exempt contracts from Walsh-Healey Act	HA	SPE
22.805(a)(8)	Approve award without pre-award clearance	HCA	HCA
22.807(a)(1)	Determine contract essential to national security and that award without compliance with EO 11246 is necessary	HA	SPE
22.1305(b)	Waive any part of subpart when it is determined that contract is essential to national security and that award without compliance is necessary for national security	HA	SPE
22.1403(a)	Waive clause on affirmative action for handicapped workers (with concurrence of Deputy Assistant Secretary for Federal Contract Compliance, DOL)	HA	SPE
22.1403(b)(1)	Waive requirements of this subpart (22.14), with the concurrence of the Deputy Assistant Secretary for Contract Compliance, DOL, when it is determined that the contract is essential to the national security	HA	SPE
23.204(a)	Determine, in writing, that no ENERGY STAR® or FEMP-designated product meets functional requirements	HA	HCA
23.204(b)	Determine, in writing, that no ENERGY STAR® or FEMP-designated product is cost effective	HA	HCA
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)	HA
25.103	Determine domestic preference is inconsistent with public interest	HA	HA
25.103(b)(2)(i)	Make non-availability determination	HCA	HCA
25.105(a)(1)	Make written determination that use of higher factors is more appropriate	HA	HCA
25.202(a)(1)	Determine not to use domestic contraction material as it would be impractical or inconsistent with the public interest	HA	HA
25.202(a)(2)	Determine domestic construction materials are not available of sufficient quantity and quality (Buy American).	HCA	HCA
25.204(b)	Evaluate percentage figures regarding Buy American Act – specify a higher percentage	HA	SPE
25.1001(a)(2)(iii)	Execute D&F with concurrence of Comptroller General to use clause 52.215-2 with its Alt. III (Audit and Records – Negotiation) or 52.212-5 with its Alt. I Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items).	HA	HCA
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	SPE
26.203(b)	Determine that response, relief and/or reconstruction activity to a local firm, or firms,	HA	CO

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	is not feasible or practical		
27.201-2(e)	Exempt U. S. patent(s) from patent indemnity clause.	HA or designee	SPE
27.303(b)(3)	Determine it is in national interest to acquire right to sublicense foreign governments or international organizations	HA or designee	SPE
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	SPE
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. I to 52.227-13	HA	SPE
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	SPE
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)	HA
27.404-5(a)(2)(ii)(B)	Concur with contracting officer's determination that data markings are not authorized	HCA	HCA
28.101-1(c)	Authorize class waivers to requirement to obtain a bid guarantee	HA or designee	SPE
28.105	Approval of other types of bonds	HCA	CO
28.106-2(a)	Approval to substitute surety bonds	HCA	CO
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	CO
28.305(d)	Recommend waiver to Secretary of Labor regarding Defense Base Act	HA	SPE
29.303(a)	Review contention that a contractor is an agent of the Government	HA	HCA
30.201-1 which refers to 9903.201-1	Waive applicability of CAS for part of contract or schedule	HA	SPE
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)	HA
31.101	Approve individual deviations concerning cost principles	HA or designee	HCA
31.205-6(g)(6)	Waive cost allowability limitations under certain circumstances regarding compensation of foreign nationals	HA	HCA
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)	HA
32.114 & 32.202-	Approve unusual contract financing	HA	HCA

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1(d)			
32.402(c)(1)(iii)	Determine advance payment in public interest or facilitates national security	HA or designee	HCA
32.407(d)	Authorize advance payment without interest.	HA or designee	HCA
32.802(e)(1)	Receive written notice of assignment.	CO or HA	CO
32.903(a)	Establish payment processing procedures	HA	HCA
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	SPE
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	HCA
33.203(b)	Determine application of Contract Disputes Act of 1978 will not be in the public interest	HA	SPE
34.005-6	Reaffirms mission need and program objectives; and grants approval to proceed with production of successfully tested major systems	HA	SPE
35.014(b)	Determine applicability of certain policies regarding title to equipment	HA	CO
35.017-2(j)	Approve establishment of or change a Federally Funded Research and Development Center (FFRDC)	HA	SPE
35.017-4(b)	Approve continuing or terminating an FFRDA	HA	SPE
36.208	Approve concurrent performance of CPFF, price incentive and other types of contracts with cost variation or cost adjustment features	HCA	HCA
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	HA or designee	HCA
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	CO
41.201(d)(2)(i)	Enter into a contract pursuant to 42 U.S.C. 8287 (shared energy savings)	HA	CO
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 or 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	SPE
41.202(c)(2)	When a utility supplier refuses to execute a tendered contract...approve determination	HCA	HCA

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	that written contract cannot be obtained.		
41.204(c)(1)(ii)	Determine use of GSA area-wide utility services contract not advantageous	HCA or designee	HCA
42.202(c)(2)	Approve delegation of additional contract administration duty	HCA or designee	HCA
42.602(a)(2)	Approve assignment of a corporate administrative contracting officer	HA or designee	HCA
42.703-2(b)	Waive certification of contractor proposal of indirect costs	HA or designee	HCA
44.302(a)	Raise or lower \$25 million sales threshold (regarding Contractor Purchasing System Review)	HA	SPE
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	HCA
48.104-3(a)	Determine that costs associated with collateral savings exceed benefits	HA	HCA
50.102-1(b) and (c)	Exercise the authorities set forth— (b) Authority to approve requests to obligate the Government in excess of \$55,000 may not be delegated below the agency head level (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 agency head level, except in extraordinary cases or classes of cases when the agency head finds that special circumstances clearly justify such delegation	(b) and (c) HA (>\$55K may not be delegated) (c) HA, except in extraordinary cases	(b) <\$55K – SPE; >\$55K – HA (c) HA
50.102-1(d)	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 Administrator of the agency concerned	HA	HA
5.102-2	Establish a contract adjustment board	HA	SPE
50.104-1	Require indemnified contractor to provide financial protection	HA	SPE

APPENDIX D

FLOW OF CONTRACTING AUTHORITY

