

COMMERCE ACQUISITION MANUAL
1301.70

DEPARTMENT OF COMMERCE
DELEGATION OF CONTRACTING AUTHORITY

COMMERCE ACQUISITION MANUAL 1301.70

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Section 1 – OVERVIEW

1.1 Introduction

During recent years the Federal Government has placed increased importance on acquisition reform, managing for results and 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 DOC in making progress in areas such as performance management, human capital restructuring, and acquisition reform. The delegation of contracting authority within the DOC is designed to align authority with function, responsibility, and accountability by delegating contracting authority to the lowest level possible, empowering individuals to make decisions while ensuring accountability for results. Commerce Acquisition Manual (CAM) Chapter, 1301.70, identifies the various delegations of contracting authority that are initially set forth in the Federal Acquisition Regulation (FAR) and establishes the level of authority within the DOC.

1.2 Purpose

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 98-191, Office of Federal Procurement Policy Act, 41 U.S.C. 414, and Public Law 108-136, Services Acquisition Reform Act of 2003. DAO 208-2 provides delegations of contracting authority at the highest levels within DOC. CAM 1301.70 is intended to further identify DOC delegations of contracting authority by providing specific delegations that correspond directly to the various contracting delegations outlined in the FAR.

1.3 Definitions

Chief Acquisition Officer (CAO) – The Department’s Executive- level non-career employee designated pursuant to the Services Acquisition Reform Act to advise and assist the head of the agency and other agency officials to ensure 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 has been designated by the Head of the Agency as the Chief Acquisition Officer for the Department of Commerce.

Contracting Activity – The operating units identified in paragraph 2.08 of DAO 208-2 and those identified within this document under the definition of Operating Unit. Contracting activities may or may not have authority to operate contracting offices (see paragraphs 2.10 and 4.04 of DAO 208-2).

Contracting Office - An office that has the authority to award or execute contracts for supplies or services and performs post-award functions (see paragraphs 2.10 and 4.04 of DAO 208-2).

Contracting Officer (CO) – Individuals designated authority by the Senior Bureau Procurement Official (BPO) to enter into, administer, and/or terminate contracts and to make related determinations and findings. Only those individuals who have been certified as contracting officers, through the issuance of a Certificate of Appointment (Contracting Officer Warrant (SF1402)), by the BPO in accordance with the requirements and procedures of the Commerce Acquisition Regulation (CAR) and the CAM may exercise the authorities of contracting officers. However, by virtue of their positions, the Head of the Agency, the Procurement Executive, and the Heads of Operating Units identified in paragraph 4.04 of DAO 208-2 are also designated as contracting officers

Head of Agency (or Agency Head) (HA) – The Secretary of Commerce, except 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.

Head of Contracting Activity (HCA) – For purposes of delegation of contracting authority officials who are designated as 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 DOC (as defined in DAO 1-1, Mission and Organization of the Department of Commerce), in orders establishing the respective operating units, and paragraph 2.08 of DAO 208-2, with the exception of the Office of the Secretary, are designated as the HCA for procurements initiated in support of the procurement activities of that operating unit. DAO 208-2 designated the Chief Financial Officer and Assistant Secretary for Administration 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.

Head of Contracting Office (HCO) – Individuals designated by the BPO to head the contracting offices within each operating unit that has designated contracting authority to award and administer contracts to the full limit of the Department's contracting authority. The HCO must be a procurement professional in the GS-1102 (or equivalent OPM occupational designation) occupational series. BPOs will issue each HCO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Procurement Executive (or Senior Procurement Executive) (PE) - The official appointed pursuant to Executive Order 12931 and the Services Acquisition Reform Act of 2003 to carry out the responsibilities identified in both the Executive Order and the Services Acquisition Reform Act. Pursuant to DOO 20-26, Director for Acquisition Management, the Director for Acquisition Management is the Procurement Executive for the DOC.

Operating Unit – The following entities are considered operating units, as defined in DOO 1-1, and in the Orders establishing the respective operating unit: 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 (MBDA), National Institute of Standards & Technology (NIST), National Oceanic & Atmospheric Administration (NOAA), National Telecommunications & Information Administration (NTIA), National Technical Information Service (NTIS), Patent and Trademark Office (PTO), Technology Administration (TA) (excluding NIST and NTIS), and Office of the Secretary.

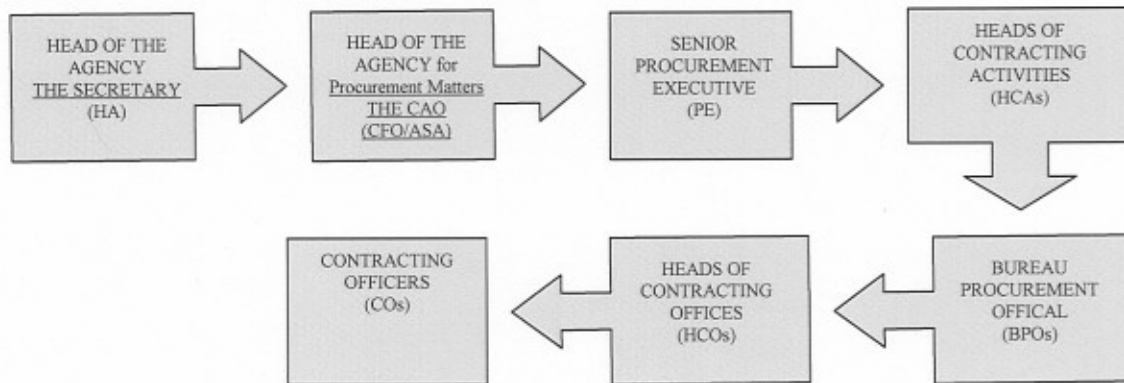
Senior Bureau Procurement Official (BPO) - The senior career procurement official, within each operating unit that has been delegated contracting authority, is designated as the Senior Bureau Procurement Official. The BPO must be a procurement professional who has both experience and training in the area of federal procurement and contracting. HCA's may designate one BPO within their organization to carry out the day-to-day functions of managing the contracting activity. BPOs may also serve as the Head of Contracting Office. The PE will issue each BPO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

1.4 Applicability

The Secretary has delegated the authority of "Head of Agency" under the authorities in 41 U.S.C. Chapter 4, and 48 Code of Federal Regulation (CFR) Chapter 1, regarding purchases and contracts for property or services, and other procurement related authorities to the Chief Acquisition Officer who is the CFO/ASA. The Chief Acquisition Officer has further delegated to the Director for Acquisition Management the authority to serve as the Procurement Executive (in accordance with Executive Order 12931, the Office of Federal Procurement Policy Act, 41 U.S.C. 414, and the Services Acquisition Reform Act, to establish clear lines of contracting authority and accountability, and to implement acquisition-related requirements for the Competition in Contracting Act (P.L. 98-369); Executive Order 12931, Federal Procurement Reform, dated October 13, 1994; the Government Performance and Results Act of 1993; the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355); the Clinger-Cohen Act 1996 (P.L. 104-106), and the Services Acquisition Reform Act of 2003 (P.L. 108-136); and other statutory regulatory and administrative directives, with the authority to redelgate to appropriate officials.

The authority delegated or redelgated is to be exercised in conformity with federal acquisition laws and regulations, Department policies, and conditions or limitations that are established by the Secretary, the Deputy Secretary, the Chief Acquisition Officer or the Procurement Executive. Figure 1-1 depicts the flow of contracting authority within the DOC.

Figure 1-1 DOC Contracting Authority



Delegations of authority specifically outlined in the FAR are further defined in this CAM Chapter for the Department by the Procurement Executive.

(END OF SECTION)

Section 2 –DELEGATIONS OF AUTHORITY

2.1 Contracting Authority

The following delegations of contracting authority have been established by DAO 208-2:

Secretary of Commerce - The Secretary has delegated the authority of Agency Head to the CFO/ASA under the authorities of 41 U.S.C. Chapter 4, and 48 CFR Chapter 1, unless a statute provides that the authority of the Secretary is nondelegable. Specific authorities that cannot be delegated and remain with the Secretary are set forth in CAM 1301. 70, Section 2.2, Functional Delegations.

Chief Financial Officer and Assistant Secretary for Administration (Chief Acquisition Officer) -

- a. Pursuant to DOO 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.
- b. Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to the Chief Acquisition Officer which are identified as non-delegable must be performed by that individual. They may not be re-delegated.

Director for Acquisition Management (Procurement Executive) -

- a. Pursuant to DOO 10-5 and DOO 20-26, the Chief Acquisition Officer has delegated to the Director for Acquisition Management the authority to serve as the Procurement Executive. As the 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 for operation of a contracting office for the Office of the Secretary and other elements of the Department.
- b. The authority to establish contracting activities and delegate broad contracting authority to HCA's lies with the Procurement Executive.
- c. Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to the Procurement Executive which are identified as non-delegable must be performed by that individual. They may not be re-delegated.
- d. The PE will issue each BPO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Heads of Operating Units -

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

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

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

Heads of Contracting Activities -

a. HCAs 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.

b. Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to HCAs which are identified as non-delegable must be performed by those individuals. They may not be re-delegated.

c. The HCAs in operating units not having contracting offices (see paragraphs 2.10 and 4.04 of DAO 208-2) may delegate those authorities specified in CAM 1301.70, which can be performed below the level of the HCA, to individuals in the operating unit that provides their procurement service. Such delegations must be by mutual agreement of the parties. The individuals performing such delegated functions must be at appropriate levels in the servicing organization, as specified in DAO 208-2 paragraph 2.04, paragraph 4.05 and in this paragraph of CAM 1301.70.

d. Delegations made pursuant to paragraph c above must be in writing designating the specific organizational position receiving the delegation.

Bureau Senior Procurement Official –

a. HCAs may delegate authority to carry out the day-to-day functions of managing the organization's contracting activity to the BPO.

- b. Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to BPOs which are identified as non-delegable must be performed by those individuals. They may not be re-delegated.
- c. BPOs will issue each HCO a Contracting Officer warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.
- d. BPOs will issue Contracting Officer warrants to qualified individuals within their respective operating units.

Heads of Contracting Office – Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to HCOs which are identified as non-delegable must be performed by those individuals. They may not be re-delegated.

Contracting Officer - Specific contracting authorities are delegated in CAM 1301.70, Section 2.2, Functional Delegations. Authorities that are specifically delegated to COs are non-delegable and must be performed by those individuals.

Miscellaneous Delegations – CAM 1301.70, Section 2.2, Functional Delegations identifies authorities that have been delegated to individuals other than those named in paragraphs 4.01 through 4.06 of DAO 208-2.

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

Non-Appropriated Funds – Authority to obligate non-appropriated funds is delegated by the Procurement Executive to the BPO. The BPO may further delegate the authority to obligate non-appropriated funds no lower than the HCO. 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 Functional Delegation Matrix, sets forth the FAR functional delegations and the corresponding designation within the DOC.

(END OF SECTION)

**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's	HCA (not below HCO)	HCO
3.104-7	Violation or Possible Violation:	HCA or Designee	
	(a) If CO obtains information of possible violation of Procurement Integrity Act—		(1) HCA (Exception any BPO position that is held by an SES)
	(1) CO concludes no violation has taken place or procurement has not been impacted—determination must be forwarded for concurrence		(2) HCA (Exception any BPO position that is held by an SES)
	(2) If non-occurrence, forward to next level for review/concurrence... authorize CO to execute a contract or other instruction		(f) HCA (Exception any BPO position that is held by an SES)
3.204(a) & (c)	Treatment of Violation Regarding Gratuities:	HA or Designee	HCO
	If a determination has been made that a violation has taken place—the agency may take appropriate action in accordance with this subsection.		

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	PE
3.705(a), (b) (c), & (e)	Determination and disposition based on final conviction for bribery, conflict of interest violation, and disclosure of source selection information...	HA or Designee	PE
	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:	HA or Designee	CFO/ASA
	Take specified actions with regard to contractor employee complaints		
5.202(b)	Determine advance notice in the GPE is not appropriate or reasonable after consultation with OFPP and SBA	HA	BPO
5.403	Receive, from contracting officer, proposed reply to Congressional request for information	HA	PE
5.404-1(a) & (b)	Release long range acquisition estimates	HA or Designee	HCO
5.502(a)	Paid Advertisements:	HA	HCO
	Approve publication of paid advertisements in newspapers		
6.202 (a) & (b)(1)	Exclude a source from contract action to establish or maintain alternate source	HA or Designee	PE
6.302-7(a)(2)	Justification for Other than Full & Open Competition:	HA (May not be delegated)	SECRETARY
	Determine that full and open competition is not in the public interest for a particular acquisition.		
6.304(a)	Approve Justification for Other than Full and Open Competition at thresholds specified in 6.304(a)— Thresholds:	(1) CO (2) Competition Adv. (May not be delegated) (3) HCA or Designee	(1) CO (2) Competition Adv. (3) HCA
	(1) Proposed Contract Actions not exceeding \$500,000		
	(2) Over \$500,000 but not exceeding \$10,000,000		
	(3) Over \$10,000,000 but not exceeding \$50,000,000		

	(4) Over \$50,000,000	(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	Acquisition Planning:	HA or Designee	PE
	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)		
8.802(b)	Designate a central printing authority	HA	CFO/ASA
9.202(a)(1)	Establishing a 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(e)	Approve that a procurement 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: Debarring and Suspending Official	HA or Designee	PE
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	HA	PE
9.405-1(a)	FAR allows agencies to permit debarred or suspended contractors to continue performance on a contract already in place at time of debarment/suspension unless otherwise directed by designee	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	HA	PE
9.405-2(a)	Determine and state in writing the compelling reasons for a debarred/suspended contractor to be a sub-contractor under an agency contract	HA	PE

9.406-1(c)	Determine and state reasons to continue doing business with contractor debarred by another agency.	HA or Designee	PE
9.407-1(d)	Determine and state reasons to continue doing business with contractor suspended by other agency	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	HCA
13.305-3(a)	Increase the \$500 limit of Imprest funds transaction.	HA	PE
14.201-7(b)(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)	Determination that Invitation for Bid may be cancelled and all bids rejected (<u>after opening, before award</u>)	HA	BPO
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... determination to allow withdrawal	HCO	HCO
14.407-3(d)	If evidence does not warrant a determination to allow withdrawal... determination that bid be neither withdrawn nor corrected	HA	BPO
15.204(e)	Exempt contracts from the uniform contract format	HA or Designee	HCO
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)	Approves use of fixed-ceiling-price contracts with retroactive price redetermination	HCA (or higher-level if required by agency procedures)	HCA
16.505(b)(5)	Designate a task order contract and delivery order contract ombudsman	HA	PE

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	Determines 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)	Determines 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 \$10M	HA	PE
17.602(a)	Authorize contracting officers to enter in to or renew management and operating contracts	HA (may not be delegated)	CFO/ASA
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)	Rejecting 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	BPO
19.505(d)	Forward justification for decision made in 19.505(b) to the HA	HCA or Designee	BPO
19.505(e)	Reply to SBA concerning appeal of decision to reject SBA recommendation	HA	CFO/ASA
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	CFO/ASA
19.812(d)	Confirm or withdraw request by CO to SBA for waiver to termination requirement	HA	CFO/ASA
22.101-1(e)	Designate programs/requirements where contractors must notify the Government of actual or potential labor dispute	HCA	HCO
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)(1) & (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	PE
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 of 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	PE
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
23.506(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)	CFO/ASA
25.103(a)	Determine domestic preference is inconsistent with public interest	HA	CFO/ASA
25.103(b)(2)	Make non-availability determination	HCA	BPO
25.202(a)(1)	Determine not to use domestic construction material as it would be impractical or inconsistent with the public interest	HA	CFO/ASA
25.202(a)(2)	Determine domestic construction materials are not available of sufficient quantity and quality (Buy American)	HCA	CFO/ASA
25.204(b)	Evaluation Percentage Figures RE: Buy American Act - specify a higher percentage	HA	CFO/ASA
25.602(b)(1)	Authorize award of contract for sanctioned EU Country end products, services and construction	HA (may not be delegated)	Secretary
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)	Determines that a higher percentage for evaluation of offerors is appropriate in applying Buy American Act as it applies to construction materials	HA	CFO/ASA
27.203-6	Exempt U.S. patent(s) from patent indemnity clause	HA or Designee	PE
27.303(a)(3)	Determine it is in national interest to acquire right to sublicense foreign governments	HA or Designee	CFO/ASA
27.304-1(a)(3)	Decide appeal (contractor appeal of a determination to use an exception to inserting patent rights clause)	HA or Designee	PE
27.304-5(a)	Take certain actions regarding patent rights	Agency official initially authorized	PE
27.304-5(b)	Receive appeals to agency actions found in 27.304-5(a)	HA or Designee	CFO/ASA
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)	CFO/ASA
27.404(h)	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 re: Defense Base Act	HA	CFO/ASA
29.303(a)	Review contention that a contractor is an agent of the Government	HA	BPO
30.201-1 which refers to 9903.201-5	Waive applicability of CAS for part of contract or schedule	HA	PE
30.202-2 which refers to 9903.202-2	Determine it is impracticable to secure Disclosure Statement and authorize contract award	HA	CFO/ASA
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
32.006-1(b)(c)(e)	Exercise responsibilities related to reduction or suspension of contract payments upon finding of fraud	HA	CFO/ASA

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
32.501-2(a)(3)	Approve contractor's request for unusual progress payments	HCA 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	BPO
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	BPO
33.203(b)	Determine application of Contract Disputes Act of 1978 will not be in the public interest.	HA	CFO/ASA
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	CFO/ASA
35.017-4(b)	Approve continuing or terminating a FFRDC	HA	CFO/ASA
36.202(d)(3)	Exempt construction contracts from EO 13202	HA	HCO
36.202(d)(4)	Exempt construction contracts from EO 13202 due to special circumstances that cause a threat to public health, safety or national security.	HA	HCO
36.208	Approve concurrent performance of CPFF, price incentive and other types of contracts with cost variation or cost adjustment features	HCA	HCO
36.209	Approve construction contracts with A&E firms that designed the project or its subsidiaries or affiliates	HA or authorized representative	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	HCO
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	CFO/ASA
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
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 (re: Contractor Purchasing System Review)	HA	PE
45.302-1(a)(4)	Issue a D&F that contract cannot be fulfilled unless Government provides facilities	HA or Designee	BPO
45.309(a)	Determine that non-Government location is necessary for installation of Government production and research property	HCA	BPO
45.309(a)(3)	Determine adequacy of a provision that protects Government interest in re: production and research property	HA	HCA
45.403(a)	Determine it is in Government's interest to charge rent to a Contractor using Gov-owned items or facilities.	HA or Designee	BPO
45.407(a)	Give approval re: non-Government use of plant equipment	HA or Designee	BPO
48.102(a)	Grant exemption to inclusion of VE provision in special classes of contracts	HA	BPO

48.102(a) & 48.201(a)(6)	Exempt contract (or class of contracts) from VE requirements	HA	BPO
48.104-3(a)	Determine that costs associated with collateral savings exceeds benefits	HA	BPO
50.201(b) & (c)	Exercise the authorities set forth— (b) Authority to approve requests to obligate the Government in excess of \$50,000 may not be delegated below the <u>secretarial level</u> .	(b) & (c) HA (may not be delegated)	(b) <\$50K CFO/ASA >\$50K 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 <u>secretarial level</u> , except in extraordinary cases or classes of cases when the agency head finds that special circumstances clearly justify such delegation.		(c) Secretary
50.201(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 Secretary or Administrator of the agency concerned	Secretary	Secretary
50.202	Establish a contract adjustment board	HA	CFO/ASA
50.401	Require indemnified contractor to provide financial protection	HA	CFO/ASA

END OF CAM CHAPTER